

## **Wiltshire Council**

### **Standards Committee**

**2 May 2012**

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#### **Outcome of Standards Consideration Sub Committee – case reference WC 50/11**

#### **Purpose of Report**

1. To report the outcome of the Standards Consideration Sub Committee held on the 13 March 2012 to consider an allegation of breaches of the Code of Conduct for members.

#### **Background**

2. On 27<sup>th</sup> July 2011, the Monitoring Officer of Wiltshire Council received a complaint from Mr Jason Aspinall regarding the alleged conduct of Councillor Gary Mansell, a member of Bishops Cannings Parish Council.
3. The complaint concerned allegations that Councillor Gary Mansell breached the Code of Conduct in his contact, over the phone, and in a meeting with staff of Sarsen Housing Association held on the 1<sup>st</sup> July 2011, using foul and abusive language towards them; and that Councillor Mansell has used his office to intimidate, bully and harass Mr and Mrs Pocock, and Mr Horn, parishioners of Bishops Cannings, including reporting Mr Horn and his work practices to the Health and Safety Executive and reporting Mr Pocock to the Benefits Agency
4. On 10<sup>th</sup> August 2011, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint. In accordance with section 57A(2) of the Local Government Act 2000 as amended, the Assessment Sub-Committee decided that the complaint and alleged breaches of paragraph 3(1), 3(2), 3(2)(d) and 5 of the Code of Conduct should be referred to the Monitoring Officer for investigation.
5. The Monitoring Officer delegated his investigatory powers to Mr Roger Wiltshire, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000.
6. The investigators report found –
  - In the telephone calls and meeting between Councillor Mansell and staff of Sarsen Housing Association, Councillor Mansell was not conducting the business of his authority and did not give the impression that he was acting as

a representative of the authority; therefore the Code of Conduct does not apply.

- Councillor Mansell did not report either Mr Horn or Mr Pocock to the relevant authorities. Such a report would not breach the Code of Conduct.
- Councillor Mansell raised concerns regarding children working in the churchyard. Councillor Mansell had the right to raise the concerns and had not breached the Code of Conduct.

7. The Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on 13 March 2012 and, having carefully considered the Investigating Officer's report and findings, in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008, decided to accept the Investigating Officers findings that no breach had occurred.

### **Main considerations for the Committee**

8. This case failed to meet the target time as set by the Standards Committee for issuing the Final Report.
9. Six interviews were carried out during this investigation. Four interviews were held at the home and business address of the interviewees; 2 interviews were conducted by phone.

### **Proposals**

10. The Standards Committee is asked to note the outcome of this matter.

Report author;

Roger Wiltshire  
Ethical Governance Officer