

## **Wiltshire Council**

### **Standards Committee**

**2 May 2012**

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#### **Outcome of Standards Consideration Sub Committee – case reference WC 52/11**

#### **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 Peter Horn regarding the alleged conduct of Councillor Gary Mansell, a member of Bishops Cannings Parish Council.
3. The complaint concerned allegations that Councillor Gary Mansell bullied and harassed Mr and Mrs Pocock and their family, and bullied and harassed the staff of Sarsen Housing Association. It was further alleged that Councillor Mansell interfered in Mr Horn's work practices, and incited hostility in the village.
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 did not apply.
  - Councillor Mansell did not report Mr Horn to the Health and Safety Executive. Such a report would not be a breach of the Code of Conduct. There had not been a breach of the Code of conduct.

- In an exchange of emails between Councillor Mansell and the then Chair of Bishops Cannings Parish Council, Councillor Mansell raised what he believed to be legitimate 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