

**Assessment of Code of Conduct complaints for Wiltshire Parish, Town, City and Unitary Councils
from 1 July 2013 to date**

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Reference	Brief description	Decision	Reasons for outcome	Potential to breach the old Code of Conduct
16/12	A Councillor at a meeting of the council acted in an aggressive and bullying manner when introducing a non agenda item; the councillor spoke indiscreetly on council matters and staff in a public place; the councillor has a criminal record	No further action	The complainant did not show the councillor's actions in relation to the first two allegations were capable of breaking the Code of Conduct. Further to this, the councillor had apologised for his behaviour at the meeting. In relation to the third allegation – spent convictions do not stop someone becoming a councillor.	Yes
17/12	A Councillor failed to act in the public interest, and improperly conferred an advantage on a friend or close associate, by refusing to condemn abusive language allegedly directed at another member of the council and members of the public.	No further action	The complaint did not meet the initial tests as the councillor had resigned and was no longer a member of the council.	Yes
18/12	The complainant has alleged that a councillor, in e-mail correspondence with the complainant, breached the principles of selflessness and leadership required by the Code of Conduct on the grounds the tone of e-mails were dismissive and condescending.	No further action	The Councillor offered a reasonable explanation of the issues raised in the complaint, and no further action should be taken.	No
19/12	A Councillor failed to investigate a complaint made against another councillor and failed to ensure another complaint related to setting speed limits was investigated	No further action	One councillor is not responsible for the actions of another councillor; the setting of a speed limit is an operational matter, not a Code of Conduct matter, and a complaint should be made through the corporate	No

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			complaints process.	
20/12	That at a meeting of the Council, a Councillor failed to declare an interest in a pressure group and participated in the meeting.	No further action	Membership of the pressure group was not an interest that had to be declared under the Code of Conduct introduced on the 1 st July 2012.	Yes
21/12	A Councillor failed to declare an interest in meetings which took place between March 2010 and February 2011, and failed to declare a trusteeship in the register of interests.	No further action	The meetings took place over 18 months prior to the complaint being made; the complaints procedure sets a time limit of 20 days in which to make a complaint; it was considered the complaint was politically motivated; a trusteeship does not have to be declared in the register of interest.	Yes
22/12	A Councillor promoted development proposals outside the proper processes of the council, circumvented proper processes and allowed her personal animosity towards the complainant to compromise the Council's duties towards the community.	No further action	The complaint, if proven, would be capable of breaching the parish council's code of conduct. However, the Councillor has offered a reasonable explanation of the issues raised in the complaint, and that it would not therefore represent an effective use of public resources to put this matter forward for investigation.	Yes

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23/12	A Councillor promoted development proposals outside the proper processes of the council, circumvented proper processes and allowed his personal animosity towards the complainant to compromise the Council's duties towards the community.	No further action	The complaint, if proven, would be capable of breaching the parish council's code of conduct. However, the Councillor has offered a reasonable explanation of the issues raised in the complaint, and that it would not therefore represent an effective use of public resources to put this matter forward for investigation.	Yes
24/12	A Councillor failed to take into account the views of parishioners, called sub-committee meetings of the Council without notifying all the members, failed to follow Council standing orders in dealing with complaints and failed to chair a meeting correctly.	No further action	Alleged failure to follow proper procedural requirements is a procedural. Failure to take the views of parishioners into account is a matter for the proper democratic processes. The complaint as presented does not meet the initial tests.	No
25/12	A Councillor failed to take into account the views of parishioners, called sub-committee meetings of the Council without notifying all the members and failed to follow Council standing orders in dealing with complaints.	No further action	The subject member had resigned at the time of the complaint. An alleged failure to follow proper procedural requirements is a procedural matter which falls outside the Code.	No
26/12	At a Council meeting a Councillor made comments which cast doubt on the professional integrity of a witness and conferred a disadvantage on the complainant.	No further action	The complaint, if proven, would be capable of breaching the Council's code of conduct. However, there is no evidence that the Councillor <i>improperly</i> conferred a disadvantage on the complainant, nor is there any evidence that he made his decision on grounds other than the merits of the information that was before the Committee. Further, the Councillor	Yes

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			has provided an unreserved apology.	
27/12	At a Council meeting a Councillor unfairly influenced other committee members and demonstrated bias.	No further action	Members must not approach a decision with a closed mind such that they have predetermined that decision. No evidence of predetermination was provided.	No
28/12	At a Council meeting a Councillor unfairly influenced other committee members and demonstrated bias (a different Councillor to that in 27/12).	No further action	Members must not approach a decision with a closed mind such that they have predetermined that decision. No evidence of predetermination was provided	No
29/12	At a Council meeting a Councillor interrupted a member of the public who was speaking and did not allow her the allotted time to speak. That the Councillor bullied and intimidated the complainant when he was speaking and interrupted a third member of the public when he was speaking.	No further action	None of the matters set out in the complaint would be capable, if proven, of breaching the Code of Conduct.	Yes
30/12	Concerns about how a planning decision was reached.	Not applicable	The meeting about which the allegations refer did not take place.	Not applicable
31/12	A Councillor did not contact the complainants about concerns relating to a club, of which the complainants are members, prior to the matter being discussed at a meeting of the parish council.	No further action	The Councillor is not a member of the parish council, and he was not formally representing the Council at the meeting.	No
32/12	A councillor acted in a disrespectful and discriminatory manner.	No further action	The complainants did not provide a copy of the relevant Code of Conduct nor identify which paragraphs they considered to have been breached. The complaint was assessed against	Yes

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			the general principles of conduct for councillors established in the Localism Act 2011 and found to be not capable of breaching the general principles.	
33/12	A Councillor failed to answer questions regarding a complaint about operational issues in breach of paragraphs 4 and 5 of the Code of Conduct.	No further action	Operational matters are the responsibility of officers and it is not appropriate to use the Code of Conduct to pursue a complaint about operational decisions.	No
34/12	A Councillor failed to answer questions regarding a complaint about operational issues in breach of paragraphs 4 and 5 of the attached Code of Conduct (a different Councillor to that in 33/12).	No further action	Operational matters are the responsibility of officers and it is not appropriate to use the Code of Conduct to pursue a complaint about operational decisions.	No
01/13	Allegations a councillor was abusive during an exchange in the street and leaked confidential information in the exchange	No further action	The councillor was neither on council business nor acting in their role of councillor at the time. Also, the councillor did not have access to the information allegedly leaked.	No; for the same reasons
02/13	Allegations a councillor was abusive during an exchange in the street and leaked confidential information in the exchange (same councillor as above but different complainant)	Not applicable	The complainant failed to respond to letters and request for information	Not applicable
03/13	A councillor breached paragraphs – 1, 2, 5 and 6 of the Code of Conduct.	No further action	The councillor did not have a disclosable pecuniary interest; did not have a personal interest that needed to be declared; the councillors actions did not improperly confer advantage or disadvantage	No
04/13	A councillor (same council as above, but second councillor) breached paragraphs – 1, 2, 5 and 6 of the Code of Conduct	No further action	The councillor did not have a disclosable pecuniary interest; did not have a personal interest that needed to be declared; the councillors actions	No

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			did not improperly confer advantage or disadvantage	
05/13	A councillor (same council as above, but third councillor) breached paragraphs – 1, 2, 5 and 6 of the Code of Conduct.	No further action	The councillor did not have a disclosable pecuniary interest; did not have a personal interest that needed to be declared; the councillors actions did not improperly confer advantage or disadvantage	No
06/13	Failure to treat with respect; bullying (as specifies in the previous, model code of conduct)	No further action	Against the relatively limited criteria set out in the Code of Conduct the Monitoring Officer was unable to conclude that if proven, the Councillor's behaviour was capable of breaching the Code of Conduct.	Yes
07/13	Paragraphs 1, 5 and 6 of the code (see attached) and acted in an intimidating way	No further action	The councillor was neither on council business nor acting in their role of councillor at the time. No personal interest was established.	No
08/13	The councillor demonstrated bias, intimidation, an inaccurate interpretation of the law, and that he falsely represented facts and failed to stop and have withdrawn, offensive comments	No further action	The actions did not breach the current code of conduct. The councillor in question had not stood for re-election and was no longer a member	Yes
09/13	Planning irregularities, including favouring applications made by relatives and discussing applications outside formal meetings	Not applicable	Complainant failed to provide relevant Code of Conduct and confirmation of the alleged breach	Not applicable
10/13	Representing a personal view as the view of the council and making abusive comments during a phone call	No further action	The complaint was withdrawn following informal resolution between the parties	Yes
11/13	Using their position as a councillor to promote and advantage their own view	No further action	The councillor was neither on council business nor acting in their role of councillor at the time.	No
12/13	Not declaring a personal interest and	No further action	Complaint withdrawn	Yes

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	making biased and incorrect statements to give an advantage			
13/13	Sending email which were vindictive, offensive, defamatory and caused harassment	No decision as yet	Further information requested but not been received	Yes
14/13	Paragraphs 1 and 5 of the code (see attached) and failure to declare a disclosable pecuniary interest	No decision as yet	Case being considered	Yes
15/13	Bullied via comments on a social media site	No decision as yet	Case being considered	Yes