

### Melton Borough Council - Member Conduct Complaint GOV53

#### Opinion of Independent Person

1. This case was referred to me for an opinion on a complaint made by Mrs Moira Hart on behalf of the members of the Clawson in Action (CIA) group. The complaint is against Cllr John Wyatt of Melton Borough Council.
2. The complaint relates to Cllr Wyatt's conduct at Planning Committee meetings of the Melton Borough Council held on 9 November 2017 and 4 December 2017. The complainants allege that Cllr Wyatt's conduct at those meetings breached the Code of Conduct in a number of ways as set out in the complaint form and attached appendices.
3. I have reviewed all of the documentation in relation to the case including the complaint form, Members Code of Conduct, transcripts of the meetings, minutes of the meetings and a note of the meeting between Cllr Wyatt and the Monitoring Officer.
4. I note that Cllr Wyatt in the meeting with the Monitoring Officer, requested some time to consider writing a letter to the complainants to attempt to resolve the matter informally but has not taken this option.
5. Following the meeting of the Planning Committee held on 9 November 2017, Cllr Wyatt made a statement at the start of the Planning Committee meeting held on 4 December 2017 in which he seeks to clarify his comments made at the previous meeting. Cllr Wyatt regards his statement as an apology for his previous comments, however I note that the Monitoring Officer has stated that Cllr Wyatt's statement did not accurately reflect the advice given to him by the Assistant Solicitor.
6. The complainants have raised a number of matters relating to alleged breaches of the Members Code of Conduct and I will look at these individually as shown below.
7. The complainants allege that Cllr Wyatt has not acted in the public interest by ignoring the contents of their Neighbourhood Plan, Local Plan and the core principles of the NPPF. Similarly the complainants allege that Cllr Wyatt was not properly being accountable for his decisions by going against the contents of the Melton Plan and by voting against the weight of the Neighbourhood Plan. I am of the opinion that it is difficult to see that a breach of the Members Code of Conduct has occurred in these instances as the Local Plan and Neighbourhood Plan had not been approved and voting in the way that Cllr Wyatt did is part of the democratic process.
8. The complainants allege that Cllr Wyatt's reasons for voting to permit the Canal Lane application did not show openness and honesty. I am of the opinion that this is not a breach of the Members Code of Conduct.
9. There are further allegations relating to bullying, intimidation and failure to have regard to relevant advice. I am concerned by Cllr Wyatt's comments at the meeting held on 9 November 2017 and I am also concerned that he did

not appear to follow the advice given to him by the Assistant Solicitor before making his statement at the meeting held on 4 December 2017 and I am of the opinion that there may be potential breaches of the Members Code of Conduct in relation to these 2 aspects.

Gordon Grimes

Independent Person

16 April 2018