

Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 21 MARCH 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Ruth Hopkinson (Chairman), Cllr Ernie Clark (Vice-Chairman),
Cllr Richard Britton, Cllr Gordon King, Joanne Cetti, Julie Phillips and
Cllr Trevor Carbin (Substitute)

7 **Apologies**

Apologies were received from:

Councillor Sam Pearce-Kearney, who was substituted by Councillor Trevor Carbin.

8 **Minutes of the Previous Meeting**

The minutes of the meeting held on 18 January 2024 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

9 **Declarations of Interest**

In relation to complaint COC150777 Cllr Richard Britton declared that he was a member of the same Conservative Party Constituency Association as the Subject Member. He stated he had been contacted by the Subject Member prior to the meeting, however he confirmed he not entered into conversation or discussion about the complaint. He therefore advised that he would remain part of the Sub-Committee's deliberations and consider the matter with an open mind.

10 **Meeting Procedure and Assessment Criteria**

The procedure and criteria were noted.

11 **Exclusion of the Public**

It was,

Resolved:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Minute Numbers 12 onwards, because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in Paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Paragraph 1 -information relating to an individual

12 **Assessment of Complaint: COC150528**

A Complaint was submitted by Ms Megan Stratton, the Complainant, regarding the conduct of Councillor Graham Greener, the Subject Member, of Brinkworth Parish Council.

The Complaint related to a phone conversation between the Subject Member and the Complainant on 6 February 2024.

The Complainant alleged that during a phone conversation, to discuss a footpath on land owned by the Complainant, the Subject Member's behaviour was inappropriate.

The allegations in summary related to a discussion about a footpath and a ditch near to the Complainant's land where they kept horses. During the conversation the Subject Member stated he was representing Brinkworth Parish Council following raised concerns, relating to flooding. It was alleged that the Subject Member went on to blame the horses for causing flooding of a footpath and for spreading mud to another nearby ditch, due to the horses not being fenced off appropriately when the Complainant had previously been asked to do so.

It was further alleged that in response to the Complainant raising concerns relating to lose dogs, the Subject Member threatened to shoot her horses, criticising the Complainant's management of the horses and mocking her mental health.

The Complainant believed the Subject Member to have breached the following sections of the Code:

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidating.

3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.

Preamble

The Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was and remained a member of Brinkworth Parish Council, that a copy of the relevant Code of Conduct was provided for the assessment, and that they were acting in their capacity as a Member during the various alleged actions.

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. If the Sub-Committee concluded that the alleged behaviour would amount to a breach, then it would have to go on to decide whether it was appropriate under the assessment criteria to refer the matter for investigation or alternative resolution.

In reaching its decision, the Sub-Committee took into account the original complaint and supporting information, the response of the Subject Member, and the report of the Monitoring Officer.

There were no additional verbal or written statements at the meeting for consideration by the Sub-Committee.

Discussion

The Sub-Committee considered the summary of allegations as set out in the report.

The Complainant believed the Subject Member's behaviour during the phone call to have been rude and inappropriate.

The Complainant alleged that the Subject Member blamed her horses for causing flooding to another ditch, which was on land owned by a neighbour who it is alleged oversaw footpaths on behalf of the parish council.

The Complainant alleged that during the Subject member mocked her mental health.

The Complainant expressed concerns of safety, relating to her belief that the Subject Member was a gun dealer.

The Subject Member's account confirmed that the intention of the call had been to obtain the Complainant's home address, to enable a letter to be sent out by the clerk, following a discussion around obstructed access to a footpath at a parish council meeting.

The Subject Member did not dispute that they were acting in their capacity as a councillor, however, their account of the conversation was that the Complainant had become agitated and had said that she would shoot people's dogs if they

continued to unsettle her horses. It was in response to that comment that the Subject Member contends he had suggested caution in making such comments, because if the Complainant were to start shooting dogs, then the dogs' owners may retaliate in a similar manner towards her horses.

The Subject Member disputes the allegation that he blamed the Complainant's horses for causing flooding, instead he advised that if a drain became blocked by the damage the horses were doing to the ditch, then it may result in flooding and at no time did he say that he would shoot her horses.

The Subject Member confirmed that he was no longer a registered firearms dealer as he had relinquished his licence in 2016.

The Subject Member stated that at the time of the phone calls, he had no knowledge of the Complainant's mental state and that the allegations of him mocking her mental health were untrue.

Conclusion

The Sub-Committee noted the two quite different accounts of the telephone conversation and, due to there being no other witnesses, agreed that it would not be possible to verify which account was most accurate.

The Sub-Committee noted that the Subject Member had volunteered to call the Complainant on behalf of the parish council, with the purpose of obtaining her address. It was agreed that the conversation as described in both accounts included more of a discussion around the path and the issue of obstruction, which went beyond the original purpose of the call.

The Sub-Committee felt that the Subject Member had overstepped his role during the phone call, and that the details of the matter should have been left to the Clerk of the parish council to formulate in a letter, as agreed as an action by the parish council.

However, the Sub-Committee agreed that, on balance, it was not appropriate under the Local Assessment Criteria to refer the complaint for investigation taking into account the efficient use of resources. This was because an investigation would not be able to establish whether, on the balance of probabilities, a breach of the Code had occurred or not, due to the lack of witnesses to the telephone call in question.

The Sub-Committee, therefore, resolved to take no further action in respect of the complaint.

After discussion, it was:

Resolved:

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 9 July 2019, which came into effect on 1 January 2020 and after hearing from the Independent Person, the

Assessment Sub-Committee determined to take no further action in respect of the complaint.

13 **Assessment of Complaint: COC150748**

A complaint was submitted by Mr Nigel Valentine and Mr Jason Abbott, the Complainants, regarding the conduct of Councillor Terry Couchman, the Subject Member, of Calne Town council.

The Complaint related to the Subject Member's Facebook posts on the 'Calne Central' group page on 17 February 2024. A summary of the main allegations included the Subject Member commenting "go screw yourself" and "its because of tossers like you I'm retiring".

The Complainants believed the Subject Member to have breached the following sections of the Code:

- 1.1 I treat other councillors and members of the public with respect.
- 5.1 I do not bring my role or local authority into disrepute.

Preamble

The Sub-Committee was satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was and remains a member of Calne Town Council, that a copy of the relevant Code of Conduct was provided for the assessment, and that they were acting in their capacity as a Member during the alleged actions.

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. If the Sub-Committee concluded that the alleged behaviour would amount to a breach, then it would have to go on to decide whether it was appropriate under the assessment criteria to refer the matter for investigation or alternative resolution.

In reaching its decision, the Sub-Committee took into account the original complaint and supporting information, the response of the Subject Member, and the report of the Monitoring Officer.

The Sub-Committee also considered the written statement from the Complainants provided at the Assessment Sub-Committee meeting.

Discussion

The Sub-Committee considered the summary of allegations as set out in the report, noting that any allegations relating to previous complaints and/or other elected members other than the Subject Member would not form part of the Sub-Committee's considerations.

The Complainants believed that the Subject Member had failed to treat them with respect during participation in an online discussion on a Facebook group

and in doing so the Subject Member had brought his role and his local authority into disrepute.

The Subject Member contended that his comments had been made in response to abusive, harassing and dishonest comments made by the Complainants on Facebook posts in groups and on pages he managed on social media.

The Subject Member stated that he had 'responded in kind' to one of the Complainants, asking him to desist and warning him that he would be reported and blocked. When the behaviour did not stop, he reported the Complainant and blocked him on social media sites he managed.

The Complainants refute the allegations made in the Subject Member's response to the complaint, stating that they had not made dishonest, abusive, or harassing comments towards the Subject Member on Facebook as alleged.

The Sub-Committee noted that the Facebook conversation threads referred to by the Complainants appeared to have been deleted and were therefore no longer available.

Conclusion

The Sub-Committee noted that the title of the Subject Member's Facebook account did not refer to his councillor role. However, it was noted that within the Facebook account the Subject Member did describe himself as a "politician" and that the exchange during which the incident took place did relate to the Subject Member's role as a councillor.

The Sub-Committee agreed that whilst the words used by the Subject Member in the Facebook post could be considered inappropriate, they had been used in the context of a longer running disagreement with the Complainants, which the Sub-Committee considered to provide a level of mitigation.

The Sub-Committee noted that respectful behaviour ran two ways and that in a moment of frustration, during discussion between parties with differing opinions, it was possible to lose sight of what was appropriate.

The Sub-Committee agreed that, if proven, some of the Subject Member's alleged actions could potentially represent a breach of the relevant Code of Conduct. However, the Sub-Committee agreed that on balance, it was not appropriate under the Local Assessment Criteria to refer the matter for investigation, taking into account the efficient use of public resources, due to the mitigation outlined above.

However, the Sub-Committee wished to advise the Subject Member to consider the language they used in online exchanges more carefully in future to ensure that it was appropriate to his role and in compliance with the Code of Conduct.

The Sub-Committee, therefore, resolved to take no further action in respect of the complaint.

After discussion, it was:

Resolved:

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 9 July 2019, which came into effect on 1 January 2020 and after hearing from the Independent Person, the Assessment Sub-Committee determined to take no further action in respect of the complaint.

14 **Assessment of Complaint: COC150777**

The Sub-Committee noted the decision of the Monitoring Officer to agree to the request of the Complainant, for their details to be kept confidential at this stage of the procedure.

The Sub-Committee was satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was and remained a member of Salisbury City Council and that a copy of the relevant Code of Conduct was provided for the assessment.

The Sub-Committee considered whether the Subject Member was acting in their capacity as a member during the alleged actions and having considered several competing factors including that fact that the Subject Member was a Mayor and therefore arguably held to a higher standard and the serious nature of the allegations, agreed that further information regarding the nature of the WhatsApp group was required to make that judgement. The Sub-Committee noted that there was also a Facebook post by the Subject Member that was reported in the media.

The Sub-Committee had to also decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. If the Sub-Committee concluded that the alleged behaviour would amount to a breach, then it would have to go on to decide whether it was appropriate under the assessment criteria to refer the matter for investigation or alternative resolution.

In reaching its decision, the Sub-Committee took into account the original complaint and supporting information, the response of the Subject Member, and the report of the Monitoring Officer.

The Sub-Committee also considered the written statement from the Subject Member, provided at the Assessment Sub-Committee meeting.

No parties were in attendance at the Assessment Sub-Committee meeting.

After discussion, it was:

Resolved:

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 9 July 2019, which came into effect on 1 January 2020 and after hearing from the Independent Person, the Assessment Sub-Committee determined to refer to the Monitoring Officer for Investigation.

(Duration of meeting: 12.00 - 2.00 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.alexander@wiltshire.gov.uk

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