

## Standards Assessment Sub-Committee

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### MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 20 JULY 2022 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Ruth Hopkinson (Chairman), Cllr Richard Britton, Cllr Gordon King,  
Cllr Sam Pearce-Kearney and Gordon Ball (non-voting)

#### **Also Present:**

Tony Drew (Independent Person), Frank Cain (Head of Legal Services), Henry Powell (Democracy & Complaint Manager), Lisa Alexander (Senior Democratic Services Officer), Janet White (Subject Member COC140276) and Owen White (Subject Member COC139676).

Remotely - Ruby Reynolds (Solicitor - Legal Services)

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#### 58 **Apologies**

Apologies were received from:

- Cllr Sam Pearce-Kearney
- Cllr Ernie Clark

#### 59 **Minutes of the Previous Meeting**

The minutes of the meeting held on 28 June 2022 were presented for consideration, and it was,

#### **Resolved:**

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

#### 60 **Declarations of Interest**

There were no declarations.

#### 61 **Meeting Procedure and Assessment Criteria**

The procedure and criteria were noted.

#### 62 **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 53 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***

63 **Assessment of Complaints COC139676 & COC140276**

Two complaints were submitted by Mr Steve Perry, the Complainant, regarding the conduct of Councillor Owen White (COC139676) and Janet White (COC140276) the Subject Members, who are both Members of Ludgershall Town council.

**Complaint COC139676**

**Preamble**

The complaint related to an alleged incident on 13 May 2022, where the Complainant states the Subject Member shouted in his face and attempted to take pictures of his vehicle, whilst waving his Ludgershall Town Council ID badge and stating he was a Ludgershall Town Councillor, after the Complainant parked near the Ludgershall Memorial Hall, close to a market stall he rented.

The Sub-Committee was satisfied the initial tests of the assessment criteria had been met, in that the Subject Member was and remains a member of Ludgershall Town Council and that a copy of the relevant Code of Conduct was provided for the assessment.

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of the 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.

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 a written statement from the Complainant, who was not in attendance, and a verbal statement from the Subject Member, who was in attendance.

**Discussion**

The complaint concerns an incident on Friday 13 May 2022 where the Complainant states the Subject Member and his wife had parked their vehicle near to the Ludgershall Memorial Hall, where he rents a stall on the market. Whilst setting up his gazebo the Complainant alleges that the Subject Member approached him and asked him to move his vehicle before shouting in the Complainant's face 'No, move it now!'.

In addition, the Complainant states that the Subject Member tried to take a photograph of the Complainant's vehicle and verbally assaulted the Complainant whilst 'waving' around his Ludgershall Town Council ID badge and shouting that the car park was owned by the Town Council'. The Complainant asserts that the Subject Member was shouting very loudly and being very threatening and repeatedly mentioned that he was a councillor.

The Complainant also raises that the Subject Member made an accusation that other market stall holders present, one who had previously been a member of Ludgershall Town Council, had put the Complainant up to parking in such a way to block him in intentionally. The Complainant believes that the Subject Member has abused his position to allow him to assert his authority over the Complainant and feels that his behaviour amounts to bullying.

The Subject Member contends that he had been polite and considerate in his communications and stated that the Complainant had been aggressive, shouting and swearing at him and his wife, who as a result had been frightened for their safety.

The Subject Member confirmed he did show the Subject Member his council ID badge to confirm his name when asked, and that he was still wearing it due to having been on council business. He also alleges that the Complainant threatened that he would have punched him in the face if he had been a younger man.

### Conclusion

The dispute between the parties had arisen after the Subject Member and his wife, also a member of Ludgershall Town Council, had parked on market day, in the car park near to the Ludgershall Memorial Hall, to attend to the Ludgershall Town Council Notice Board. Upon returning, their vehicle had been blocked in by the Complainant's vehicle.

The Sub-Committee noted that the Subject Member was still wearing his Ludgershall Town Council ID badge on a lanyard around his neck and had referred to this when he was asked his name by the Complainant. The Sub-Committee considered at length the point at which a member of a council ceases to be acting in their capacity as an elected member, once they have completed a task that they had recently been undertaking in that role but did not reach a final conclusion on this point as the matter was able to be determined on other grounds (see below)

In respect of the circumstances which led to the Subject Members vehicle being blocked in and the discussion which followed between the Complainant, the Subject Member and his wife, the Sub-Committee noted the significantly differing accounts of this incident between the Complainant and Subject Member. While it was considered likely that the account provided by the Complainant may, if proven, represent a breach of the Code of Conduct by the Subject Member, it was considered unlikely that an investigation could establish a single, accurate account of what had occurred. As the underlying dispute related to an area where arguments can frequently arise in private life, the Sub-Committee felt that it was not in the public interest (the efficient use of public resources) to investigate further. The Sub-Committee therefore, resolved to take no further action in respect of the complaint.

In summary, the Sub-Committee therefore resolved to take no further action in respect of complaint COC139676.

**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.**

Complaint COC140276

Preamble

This related to the support the Subject Member gave to Subject Member COC139676, during the alleged incident on 13 May 2022 (set out above).

It is alleged that the Subject Member, who was present with her husband at the time of the alleged incident made no attempts to quell the situation' and 'supported her husbands alleged attack on the Complainant, nodding and agreeing and at times joining in with the unprovoked and unnecessary verbal assault', which the Complainant feels makes her 'just as responsible for the incident and should be held equally accountable'.

The Complainant considered that the allegations breached the parish council Code of Conduct.

The Sub-Committee was satisfied the initial tests of the assessment criteria had been met, in that the Subject Member was and remains a member of Ludgershall Town Council and that a copy of the relevant Code of Conduct was provided for the assessment.

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of the 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.

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 a written statement from the Complainant, who was not in attendance, and a verbal statement from the Subject Member, who was in attendance.

### Discussion

The complaint concerns an incident on Friday 13 May 2022 where the Complainant states the Subject Member and her husband had parked their vehicle near to the Ludgershall Memorial Hall, where he rents a stall on the market. Whilst setting up his gazebo the Complainant alleges that the Subject Member's husband had approached him and asked him to move his vehicle before shouting in the Complainant's face.

In addition, the Complainant states that the Subject Members husband tried to take a photograph of the Complainant's vehicle and verbally assaulted the Complainant whilst shouting and 'waving around his Ludgershall Town Council ID badge and was supported in his actions by his wife, the Subject Member, who it is alleged also shouted at the Complainant, in support of her husband and made no attempts to quell the situation.

The Complainant believes that the Subject Member has abused her position to allow him to assert his authority over the Complainant and feels that the Subject Member should be held accountable for her actions in support of her husband.

The Subject Member contends that she got out of the car after her husband had returned following an exchange of words with the Complainant after which the Complainant had allegedly ran at the car and banged on the passenger side window where she was sitting. The Subject Member reported feeling in fear for their safety due to the alleged abusive language and aggressive nature of the Complainant.

### Conclusion

The dispute between the parties had arisen after the Subject Member and her husband, also a member of Ludgershall Town Council, had parked on market day, in the car park near to the Ludgershall Memorial Hall, to attend to the Ludgershall Town Council Notice Board. Upon returning, their vehicle had been blocked in by the Complainants vehicle.

The Sub-Committee noted that the main crux of the alleged incident related to the husband of the Subject Member (complaint COC139676), and that it was the Subject Members attendance with her husband during that time, which had led to a complaint regarding her actions of support for her husband.

In respect of the circumstances which led to the Subject Members vehicle being blocked in and the discussion which followed between the Complainant, the Subject Members husband and herself, the Sub-Committee noted the significantly differing accounts of this incident between the Complainant and both of the Subject Members.

The Sub-Committee concluded that if the account provided by the Complainant was proven, it would not meet the threshold for a breach of the Code of Conduct by the Subject Member, therefore, the Sub-Committee resolved to take no further action in respect of the complaint.

In summary, the Sub-Committee therefore resolved to take no further action in respect of complaint COC140276.

**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.**

(Duration of meeting: 2.00 - 2.45 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](mailto:lisa.alexander@wiltshire.gov.uk)

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