

## Standards Assessment Sub-Committee

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### MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 15 DECEMBER 2022 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, Kathy Barnes (non-voting) and Joanne Cetti  
(non-voting)

#### **Also Present:**

John McAllister (Independent Person), Tony Drew (Independent Person), Henry  
Powell (Democracy and Complaints Manager)(Virtual), Perry Holmes (Monitoring  
Officer)(Virtual), Jo Madeley (Head of Legal Services - Deputy Monitoring Officer),  
Matt Hitch (Democratic Services Officer), Lisa Alexander (Senior Democratic  
Services Officer), Kieran Elliott (Democracy Manager – Democratic Services).

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#### 77 **Apologies**

Apologies were received from Councillor Sam Peace-Kearney.

#### 78 **Minutes of the Previous Meeting**

The minutes of the meeting held on 29 September 2022 were presented for  
consideration, and it was,

#### **Resolved:**

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

#### 79 **Declarations of Interest**

There were no declarations.

#### 80 **Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria for the meeting were noted.

#### 81 **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 82-86, 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*

82 **Assessment of Complaint: COC142984**

It was agreed to defer consideration of this complaint until a further meeting in January 2023.

83 **Assessment of Complaint: COC142986**

It was agreed to defer consideration of this complaint until a further meeting in January 2023.

84 **Assessment of Complaint: COC142188**

In considering complaint COC142188 the Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the member was and remains a member of the relevant 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 that Code of Conduct. Further, if it was felt it would be a breach, whether it was still appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the original Complaint, supporting information, and the report of the Monitoring Officer, and verbal statements from the Subject Member and Complainant.

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 the complaint for investigation.**

85 **Assessment of Complaint: COC142896**

Preamble

A complaint was submitted by Councillor Peggy Snell of Southwick Parish Council, the Complainant, regarding the alleged conduct of Councillor John Eaton, the Subject Member, also of Southwick Parish Council.

The complaint related to an incident on 27 September 2022 following a meeting of the parish council, where it was alleged the Subject member spoke to the Complainant in a threatening manner, rising to a level which would be in breach of the Code.

There had been a concurrent complaint from the Subject Member against the Complainant.

### Discussion

The Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was and remains a member of Southwick 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.

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 verbal statements from the Complainant and the Subject Member provided at the Assessment Sub-Committee meeting on 15 December 2022.

The complaint concerned the Complainants allegation that the Subject Member had used threatening and intimidating behaviour towards her following a council meeting.

The Subject Member contended that he had accidentally addressed the Complainant by her first name, which had triggered the Complainant to respond in a rage, reiterating an earlier comment relating to him not having disclosed information to other councillors on the parish council. The parties then entered into a heated verbal to and fro, each making comments to the other, before the Complainant left the room.

The Sub Committee considered the Subject Members explanation that his expression 'don't cross me' related to an earlier warning on crossing the line and that in hindsight he had acknowledged that his choice of wording may have been better presented, and had been due to the fact that he was tired and had been feeling unwell that day.

### Conclusion

The Sub-Committee, on the basis of the submissions, did not agree that the alleged behaviour, if proven, were capable of rising to the level of a breach of the Code of Conduct.

In particular, the Sub-Committee highlighted the link between the two complaints, noting that the alleged incident set out in complaint COC142896, had arisen following the alleged incident detailed in the other complaint, noting that both parties had acted in the heat of the moment and had spoken and acted in ways which they had both later regretted.

It was therefore resolved to take no further action in respect of the complaint, with the Sub Committee requesting that in the interests of a well-functioning parish council going forward, the Subject Member should be invited to apologise to the Complainant.

It was therefore,

**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.**

*With the note:*

*The Sub Committee welcomed the attendance of the Subject Member and suggested that in the interests of a well-functioning parish council going forward, the Subject Member be invited to apologise to the Complainant.*

86 **Assessment of Complaint: COC142903**

**Preamble**

A complaint was submitted regarding the alleged conduct of Councillor Atiquel Hoque, the Subject Member, of Salisbury City Council. The Monitoring Officer, in accordance with procedure, considered and accepted a request from the complainant that the complaint be presented anonymously.

The complaint related to allegations that the Subject Member had not informed the Standards Committee of his acting in multiple capacities, specifically in relation to alleged actions in his role with the Muslim Association of Salisbury (MAS). It was alleged that this was in breach of the Salisbury City Council Code of Conduct.

At the meeting the Sub-Committee, in applying the initial tests of the assessment criteria, found that the Subject Member was and remains a member of Salisbury City Council and that a copy of the relevant Code of Conduct was provided for the assessment.

The Sub Committee agreed that the Subject Member was not acting in their capacity as a member during the various alleged actions and therefore outside of the scope of the Standards Regime.

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 written statements from the Complainant and the Subject Member which were provided at the Assessment Sub-Committee meeting on 15 December 2022. Neither party was in attendance.

#### Discussion

The complaint related to several allegations which all involved the Subject Member's role as Treasurer and the business of the MAS.

The Subject Member contends that the complaint has transpired due to fallings out between members of the MAS.

The Subject Member stated that he had received no financial benefit from his role within the MAS, or due to his elected role as a councillor or the deputy Mayor and had instead given personal funds to the MAS charity.

The Sub-Committee considered the allegations which were not supported by any evidence and agreed that they were not connected to the Subject Members role as an elected member and were therefore outside of the remit of the Standards regime and therefore was not subject to the Member Code of Conduct.

#### Conclusion

The Sub-Committee noted that the allegations appeared to have arisen due to an internal dispute between members of the MAS.

The Sub Committee found no evidence which supported the allegations relating to the Subject Member's role as elected Member. However, the Sub Committee did recognise that it was not best practice to include reference to multiple roles, such as 'Deputy Mayor' in the electronic signature sign off for email accounts which were not connected to that role, as this could lead to misunderstanding.

In particular, the Sub-Committee noted that any allegations of wrongdoing regarding the registered charity of the MAS would be for the Charity Commission to investigate.

It was therefore,

#### **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 dismiss complaint COC142903 with no further action.**

*With the note:*

*The Sub Committee noted that for clarity of a division between multiple roles it was advisable to have clearly separate email signatures to sign off correspondence, so not to give the impression that business from one was within the capacity of the other.*

(Duration of meeting: 1.30 - 3.00 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](mailto:lisa.alexander@wiltshire.gov.uk)

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