

AGENDA

Meeting: Standards Assessment Sub-Committee

Place: Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Thursday 18 January 2024

Time: 1.00 pm

Please direct any enquiries on this Agenda to Lisa Alexander of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01722 434560 or email lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Ruth Hopkinson (Chairman)

Cllr Ernie Clark (Vice-Chairman)

Cllr Richard Britton

Cllr Gordon King

Cllr Sam Pearce-Kearney

Kathy Barnes (non-voting)

Julie Philips (non-voting)

Substitutes:

Cllr Allison Bucknell

Cllr Trevor Carbin

Cllr Andrew Davis

Cllr Matthew Dean

Cllr Howard Greenman

Cllr Jon Hubbard

Cllr Mel Jacob

Cllr Kathryn Macdermid

Cllr Dr Nick Murry

Cllr Paul Oatway QPM

Cllr Bill Parks

Cllr Pip Ridout

Cllr Mike Sankey

Cllr Iain Wallis

Cllr Derek Walters

Cllr Graham Wright

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (Pages 5 - 12)

To approve the minutes of the meeting held on 28 September 2023.

3 **Declarations of Interest**

To receive any declarations of disclosable interests, or dispensations granted by the Standards Committee.

4 **Meeting Procedure and Assessment Criteria** (Pages 13 - 22)

To note the procedure and assessment criteria for the meeting.

5 **Exclusion of the Public**

To consider passing the following resolution:

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 Agenda Item Numbers 6 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

Part II

Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

6 **Assessment of Complaints: COC149256 and COC149258** (Pages 23 - 112)

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Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 28 SEPTEMBER 2023 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Ruth Hopkinson (Chairman), Cllr Ernie Clark (Vice-Chairman),
Cllr Richard Britton, Cllr Sam Pearce-Kearney, Gordon Ball, Joanne Cetti and
Cllr Trevor Carbin (Substitute)

Also Present:

Tony Drew (Independent Person), Pat Bunche (Independent Person) (Virtual), Henry
Powell (Democracy & Complaints Manager), Jo Madeley (Head of Legal, Deputy
Monitoring Officer), Perry Holmes (Monitoring Officer), Kieran Elliott (Democracy
Manager), Lisa Alexander (Senior Democratic Services Officer)(Virtual).

130 Apologies

Apologies were received from:

- Cllr Gordon King, who was substituted by Cllr Trevor Carbin

131 Minutes of the Previous Meeting

The minutes of the meeting held on 24 August 2023 were presented for
consideration, and it was,

Resolved:

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

132 Declarations of Interest

In relation to Item 7 – Complaint COC147315, Cllr Richard Britton noted that as
he was named in the complaint as having been in attendance for one of the
relevant meetings, he would not take part in consideration of this complaint and
left the room for this item.

133 Meeting Procedure and Assessment Criteria

The procedure and criteria were noted.

134 **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 135 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

135 **Assessment of Complaint: COC146700, COC146788, COC146838, COC146844, COC146849, COC146851, COC147168**

In considering the complaint, the Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was a member for the period of allegations and remained a member of Rowde 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 some aspects of 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. 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 and supporting information, the response of the Subject Member, and the report of the Monitoring Officer.

The Sub-Committee also considered a verbal statement from the Subject Member and a verbal statement from two of the Complainants, provided 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 defer to the Monitoring Officer for Investigation.

136 **Assessment of Complaint: COC147315**

A complaint had been submitted by Councillor William Seabrook, the Complainant, regarding the conduct of Councillor Harry Urquhart the Subject Member, both of West Dean Parish council.

The Complaint concerned allegations that the Subject Member failed to declare an interest at council meetings regarding a planning matter and took part in discussions about the development in question. It was also alleged that the Subject Member demonstrated disrespect and harassment toward fellow Members and the Clerk of the Parish Council, causing the resignation of the Clerk and the Complainant. Other aspects of the allegations involve improper use of their position as Chairman and pre-determination of council business.

The Complainant did not specify which part of the Code they believed had been breached, however the following sections were included for consideration:

2.2 I do not harass any person.

9.1 I register and disclose my interests

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 West Dean Parish Council and the Council had a Code in place, along with a resolution to abide by the Local Government Association's Model Code of Conduct. It was confirmed the council did have a code in place and both had been provided for the assessment, therefore the Sub-Committee was satisfied 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.

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

Discussion

The Complaint involved allegations that the Subject Member had failed to declare an interest in a planning matter, showed disrespect and harassment towards members of the council and the council's clerk, displayed improper use of their position in office, acted dishonestly in statements made about the former clerk and had made decisions without the backing of the rest of the council.

The Sub-Committee considered the allegations, noting that at the time which they were said to have occurred, the Subject Member was the elected Chairman of the Parish Council.

The Sub-Committee noted that the Complainant stated they had resigned as a result of the alleged actions of the Subject Member and that the Complainant was later re-elected and currently remained on the council.

The Subject Member contends that they have not breached the LGA Code of Conduct regarding the non-disclosure of an interest, as the development site was not in their ownership.

The Subject Member stated that it was their belief that the complaint originated from the former Clerk and that no evidence had been provided to support the Complainants allegations of harassment towards the former Clerk. In addition, the Subject Member did not consider his communication with another parish council to confirm the employment status of the former clerk amounted to harassment.

The Sub-Committee noted that there had been no complaint made by the Clerk.

The Sub-Committee noted a lack of detail in the complaint, regarding what the Subject Member allegedly said and did, to result in the Clerk and the Complainant resigning.

The Sub-Committee noted that the Subject Member in his role of Chairman, had sought advice from the Wiltshire Association of Local Councils (WALC) to enable the correct processes to be followed with regards to the recruitment of a new Clerk.

The Subject Member clarified that following the resignation of the Clerk, the Council formed a panel to carry out the recruitment process to select a new Clerk and that a decision was then taken by the Council.

The Sub-Committee considered the Planning Sub-Committee of the Council, which had been set up jointly with a neighbouring council. The membership of this Sub-Committee included the Complainant and the former Clerk's Husband.

The Sub-Committee considered the Codes provide by the council and noted that the LGA Model Code had not been formally adopted, but that a resolution had been made by the Council to 'abide' by it. The Sub-Committee requested

that council be alerted to this, as it may wish to formally adopt the LGA Model Code in the future.

The Sub-Committee noted that there appeared to be a difference of opinion among members of the Council with regards to the planning application for Glebe Farm. Whilst it was not unusual for members of a parish council to hold differing opinions on matters for consideration, it was recognised that planning matters could cause frustration and personal disagreements, which may then escalate.

Conclusion

The Sub-Committee noted that West Dean Parish Council had not formally adopted the LGA Model Code of Conduct, giving the false impression that two codes were in force, which may result in confusion for the elected members when following the rules on making declarations of interest.

The Sub-Committee found that the alleged behaviour, if proven, would not amount to a breach of the West Dean Code of Conduct, and felt that should the Council formally adopt the LGA Model Code of Conduct, the provision of some training by the new Clerk on the sections around declaration of interest and discussions around open and honest decision making, may benefit the Council as a whole in moving forward.

The Sub-Committee found no evidence to suggest that the Subject Member had carried out a harassment campaign or brought the Council into disrepute by his actions whilst in the role of Chairman.

The Sub-Committee agreed that any bad feeling between members of the Council appeared to have been focused around the Glebe Farm Planning matter and that since that time the Subject Member had stepped away from the role of Chairman and the council was functioning without further incidents.

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.

137 Assessment of Complaint: COC147501

A complaint was submitted by Linda Roberts, the Complainant, regarding the conduct of Councillor Jon Hubbard the Subject Member, of Melksham Town council.

The complaint related to allegations that at the Council's Asset Management and Amenities Committee meeting on 7 August 2023 the Subject Member made disrespectful statements about Officers of the Council, in an angry and aggressive manner.

The Complainant believed that through their actions the Subject Member had breached the following principle of the Code:

Leadership - *Holders of public office should exhibit these principles in their own behaviour*

Preamble

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 Melksham 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 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.

The Complainant and the Subject Member were not in attendance at the meeting to provide additional statements.

Discussion

The Sub-Committee considered the allegations that the Subject Member had at a council meeting stated that:

- Officers had undertaken work not authorised by the Council;
- Councillors had passed resolutions which had fallen into a big black hole, resulting in decisions being made and things being actioned which were not what councillors had asked for;
- He had no confidence in the officers that were leading the Council to undertake their jobs [the Complainant is the clerk and head of the organisation].

The Complainant further alleged that the Subject Member had demonstrated no civility or respect towards the Complainant for nearly two years and that the most recent behaviour at the Asset Management and Amenities Committee meeting on 7 August 2023 could not go unchallenged as they believed the

Subject Member had breached the Code of Conduct and the Council's Civility and Respect Pledge.

The Subject Member contended that the Complaint was a matter of tit-for-tat following a complaint he had submitted against the Complainant's conduct and performance, currently under investigation. It was further contended that the allegations were vexatious and an attempt to shift the focus away from their own actions.

The Subject Member admitted that he did make a speech at the meeting, which expressed his dissatisfaction with the performance of the 'Senior Management Team' at the Council and that there were a number of issues which he felt needed to be addressed.

The Sub-Committee noted that elected Members had no role to criticise Officers directly, as any concerns relating to Officer capability should be raised through the Staffing Committee. With this in mind, the Sub-Committee considered the Subject Member's statement, which although it had not identified an individual officer by name or job title, could be interpreted to be directed at the Clerk in her role as head of the organisation. It was felt not to be possible to determine, who the statement had been directed at specifically.

The Sub-Committee further discussed the role of an elected member on a town or parish council, specifically that it was their duty to hold the Council to account and question practices which they had concerns with.

The Sub-Committee noted a history of conflict between the Members and Officers and that there was currently a complaint logged by the Subject Member regarding the Complainant. It was suggested that it would have been appropriate to await the resolution of that complaint as part of a formal process, before making a public statement which the Complainant may have felt was directed at her.

Conclusion

The Sub-Committee considered that the statement made by the Subject Member did not personally identify an individual officer.

The Sub-Committee agreed that the alleged behaviour, if proven, would not amount to a breach of the Code of Conduct, noting that Part 3, the Member/Officer Protocol, was included as guidance to the Code.

The Sub-Committee noted the Officer/Member relations at the Council appeared to have been under a degree of strain for some time, resulting in multiple complaints to the Staffing Committee which had not yet been determined. In addition, it was noted that the delivery of statements by Members during periods of unsettlement should be delivered in a respectful manner.

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.

(Duration of meeting: 10.00 am - 12.00 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

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

STANDARDS COMMITTEE

PROCEDURAL RULES FOR THE ASSESSMENT SUB-COMMITTEE

1 Purpose

- 1.1. These rules have been prepared to facilitate proper consideration by the Standards Committee's Assessment Sub-Committee, when making assessment decisions in respect of Code of Conduct complaints ('the Assessment') and receiving details of completed investigations.
- 1.2. The rules set out a framework for how Assessments are to be conducted and explain the role of the participants at the Assessment.

2. Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Review:
 - **'Subject Member/Member'** means a member of Wiltshire Council, or of a parish, town or city council within the Wiltshire Local Authority area, against whom a complaint has been made under the Code of Conduct.
 - **'Complainant'** means the person(s) who have lodged a complaint against the conduct of a Member
 - **'Council'** means Wiltshire Council.
 - **'The Monitoring Officer'** is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the arrangements for dealing with complaints of member misconduct. It includes any officer nominated by the Monitoring Officer to act on his or her behalf in that capacity.
 - **'Democratic Services Officer'** means the Council's Officer who is present at an Assessment Sub-Committee meeting to take minutes and advise on procedure.
 - **'Independent Person'** means a person appointed under Section 28(7) of the Localism Act:
 - a) whose views must be sought and taken into account before a decision is made on an allegation of member misconduct under these arrangements;
 - b) who may be consulted by the Member about the complaint.
 - **Assessment** means a review of the complaint and any written response by the subject member to consider whether on the papers the complaint merits a formal investigation as set out in paragraph 4.1 and the following provisions of Protocol 12 of the Wiltshire Council Constitution (Arrangements for dealing with Code of Conduct Complaints).
 - **'Code of Conduct'** means the code of conduct for members which the Council and Parish Councils are required to adopt under Section 27 of the Localism Act 2011.
 - **'Local Assessment Criteria'** are the arrangements made under Section 28 of the Localism Act 2011. They set out the process for dealing with a

complaint that an elected or co-opted member of Wiltshire Council or of a parish, town or city council within its area has failed to comply with their Code of Conduct.

- **'Party'** means the Subject Member and the Complainant
- The **'Hearing Sub-Committee'** is a sub-committee of the Council's Standards Committee appointed to determine complaints of member misconduct under the arrangements in Protocol 12 of the Constitution..
- The **'Assessment Sub-Committee'** is a sub-committee of the Council's Standards Committee appointed to make determinations under sections 4 and 6 of the arrangements in Protocol 12 of the Constitution. This can include voting and co-opted non-voting members of the Standards Committee.
- The **'Constitution'** means the Constitution of Wiltshire Council, which includes rules on public participation at committees and the code of conduct complaints procedure.

3. The Assessment

- 3.1. The Assessment is dealt with on the papers and is not to be treated as a hearing of the complaint itself, which can only be convened after an investigation has been concluded and a decision has been made under paragraph 6.1 of the arrangements for dealing with Code of Conduct Complaints referring the matter for hearing.

4. Attendance at Meetings

- 4.1. The Assessment Sub-Committee is a committee of the Council and as such the meeting shall take place in public, However, the Sub-Committee may exclude the public from all or part of the Assessment, by passing a resolution in accordance with Section 100A(4) of the Local Government Act 1972, where it considers that there is likely to be disclosure of exempt information and that it is in the public interest to do so . Given the nature of the issues to be considered by the Sub-Committee it is very likely that such a resolution would normally be appropriate at this stage in the process.
- 4.2. The Complainant and the Subject Member, as parties to the Review, would not be covered by such a resolution to exclude the public and press and may attend the Assessment Sub-Committee. However, the Sub-Committee will normally retire to consider their decision and return to inform the parties of their decision.
- 4.3. If a party has informed the Council that they do not intend to attend the Sub-Committee meeting, or have not given any indication as to whether or not they intend to attend, the Assessment will proceed in their absence. As it is an assessment on the papers, no adverse inference will be drawn from any parties' non-attendance at a meeting.
- 4.4. If a party has indicated an intention to attend the meeting, but is not present at the start of the meeting, the Assessment will proceed in the absence of that party, unless the Sub-Committee considers it necessary to adjourn the meeting to enable the party to attend and make their representations.

- 4.5. If a party does not intend to attend and speak to the meeting, they may submit a short written representation that will be taken into account by the Sub-Committee in reaching their decision.
- 4.6. In addition to the Sub-Committee members and any co-opted member, the meeting may be attended by one or more Independent Persons, Democratic Services Officer(s) and the Monitoring Officer.

5. Procedure

- 5.1. The Complainant and the Subject Member (or their representative) will be permitted up to three minutes to make any statement. If there is more than one complainant or subject member present, then, subject to the discretion of the Chairman, the maximum total time for statements by all complainants shall be three minutes. Any statements made should relate to the specific issues being considered by the Assessment Sub-Committee and should not raise any new issues or allegations.
- 5.2. Complainants and subject members for each complaint will be brought before the sub-committee to make a statement separate from any other complaint, except in the case of the same complaint submitted against multiple members
- 5.3. The Monitoring Officer will provide reports on any complaint that is to be assessed.
- 5.4. The report shall contain a summary of the complaint, supporting evidence, and response of the subject member, which aspects of a relevant code are alleged to have been breached, and options on whether to refer the complaint for investigation, dismiss the complaint, refer for alternative resolution, with reasoning for any recommended outcome.
- 5.5. The reports will also include in full any relevant material and supporting evidence provided by the complainant or subject member
- 5.6. No new documentation is to be introduced at the Sub-Committee meeting without the agreement of the Sub-Committee. New documentation should only be admitted if is considered by the Sub-Committee to be essential to its consideration of the issues in the Assessment
- 5.7. The Sub-Committee may take into account written representations made by, or correspondence from, a party that have been received since the publication of the agenda, where it is considered that this will assist the Assessment.
- 5.8. No questioning of the parties will be permitted, other than by the Sub-Committee with the agreement of the Chairman, to seek clarification of any point that has been made
- 5.9. Following any statements by the parties, the Assessment Sub-Committee will normally withdraw, with the Independent Person(s) if in attendance, and relevant officers, to consider the case.
- 5.10. Taking into consideration the documents provided, namely the original complaint, response of the Subject Member and any relevant additional material, the Sub-Committee will apply the tests required under paragraph 3 of the local assessment criteria, namely whether:
 - a) the complaint is about the conduct of a member of a council within the area of Wiltshire Council;

- b) the member was a member at the time of the incident giving rise to the complaint;
- c) the member remains a member of the relevant council; or, if not, that there are exceptional circumstances to justify a decision that it is in the public interest to continue to consider the complaint;
- d) a Code of Conduct is in force for the relevant council and provided;
- e) the matters giving rise to the complaint would, if proven, be capable of breaching that Code.

5.11. If the Sub-Committee are not satisfied that the criteria in a-e above are met, the complaint will be assessed as requiring no further action.

5.12. If the Sub -Committee are satisfied that a-e in para 5.7 above are met, they shall consider whether, under the rest of the local assessment criteria, the complaint should proceed to investigation. The Sub-Committee may also recommend any other suitable action, including mediation.

5.13. Before making any decision, the sub-committee will have regard to the views of an Independent Person. The Independent Person, if in attendance, may contribute to the discussion of the Sub-Committee at any time

6. Decision

6.1. The parties will be informed of the Sub-Committee's decision once it has been made and a full decision with written reasons shall be sent to the Complainant and Subject Member as soon as practicable thereafter.

7. Post-Investigation

7.1. If , following an investigation, the outcome of that investigation is a finding of no breach, the Monitoring Officer will prepare a report and recommendation to the Assessment Sub-Committee. This will be considered using the same procedure as detailed above.

Assessment Sub-Committee Meeting Procedure Summary

1. If appropriate, the Chairman invites those present to introduce themselves.
2. The Chairman outlines the Assessment Procedure as set out in the Agenda, makes any relevant announcements and asks for any declarations of interest.
3. The Sub-Committee determines whether to pass a resolution to exclude the press and the public from the rest of the meeting.
4. Each complainant and subject member will be given the opportunity to make a statement to the Sub-Committee of up to three minutes for each party. In the interests of confidentiality the subject members and complainants for separate complaints will be brought before the assessment sub- committee separately. A complaint made multiple members may be considered together.
5. The Monitoring Officer presents a report for each complaint requiring assessment.
6. Taking into consideration the evidence, namely the original complaint, response of the Subject Member and any relevant additional material submitted in the request for a review of the initial assessment, the Sub-Committee will then apply the tests required under paragraph 3 of the local assessment criteria, namely whether:
 - a) The complaint is about the conduct of a member of a council within the area of Wiltshire Council;
 - b) That the member was a member at the time of the incident giving rise to the complaint;
 - c) That the member remains a member of the relevant council, or, if not, that there are exceptional circumstances to justify a decision that it is in the public interest to continue to consider the complaint;
 - d) That a Code of Conduct for the relevant council is in force and has been provided;
 - e) That the matters giving rise to the complaint would, if proven, be capable of breaching that Code.
7. If the criteria in 6 a) to e) are met, the Sub-committee will consider whether, under the local assessment criteria, they feel the complaint should be referred for investigation or other suitable action, including mediation, or whether the complaint should be dismissed or no further action should be taken.
8. The Sub-Committee will request and receive the views of an Independent person in person or in writing at the beginning of their discussion.

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STANDARDS COMPLAINTS ASSESSMENT CRITERIA

The Monitoring Officer and Assessment Sub-Committee will adopt the approach and apply the criteria set out below in the assessment of complaints under locally adopted Codes of Conduct for Members.

1. Relevance

1.1 The criteria and procedures set out in this document only apply to complaints made against individual members that fall within the relevant code of conduct. It is likely that complaints will be received by the Monitoring Officer which do not relate to local codes of conduct for members. These might include complaints relating to the provision of services by councils; matters relating to the council as a corporate body (including decisions made by the council); or matters which should be dealt with under a council's complaints procedure. They may be complaints relating to council employees, other authorities or matters relating to a member's private life which do not fall within the remit of the Standards Committee.

1.2 Where complaints are received that are outside the scope of these procedures, the Monitoring Officer will advise the complainant that they cannot proceed under local codes of conduct, but that the complainant should contact the relevant council in order to bring a complaint under the appropriate alternative complaints procedure, where available.

2. Alternative resolution

2.1 The Monitoring Officer or Assessment Sub-Committee will always consider whether an alternative means of resolving the complaint would be appropriate.

3. Initial Tests

3.1 Before the assessment of a complaint begins, the Assessment Sub-Committee should be satisfied that:

- a) The complaint is about the conduct of a member of a council within the area of Wiltshire Council;
- b) That the member was a member at the time of the incident giving rise to the complaint;
- c) That the member remains a member of the relevant council, or, if not, that there are exceptional circumstances to justify a decision that it is in the public interest to continue to consider the complaint;

- d) That a Code of Conduct for the relevant council is in force and has been provided;
- e) That the matters giving rise to the complaint would, if proven, be capable of breaching that Code.

3.2 If the complaint fails one or more of these tests it cannot be investigated and no further action will be taken.

4. Sufficiency of information

4.1 As any assessment will be conducted solely on the papers provided, it is essential that the complainant provide sufficient information to enable the subject member and those responsible for assessing the complaint to understand the substance of the complaint. If insufficient information is provided, the Monitoring Officer will not normally proceed with consideration of the complaint. It is the responsibility of the complainant to provide any supporting evidence for their complaint to justify a full investigation.

4.2 If the complaint meets the criteria set out in 3. a-e above, and the complainant has provided sufficient information to enable the issues complained of to be understood, the Monitoring Officer will send a copy of the complaint to the subject member and ask for the subject member's comments. When these have been received, the Monitoring Officer will consider the complaint and provide a report and recommendation on it to the Assessment Sub-Committee, together with copies of the original complaint (and any supporting documentation) and the Subject Member's response.

4.3 At this assessment stage, the Assessment Sub-Committee will not normally consider any further representations or correspondence from either the complainant or subject member.

5. Seriousness of the Complaint

5.1 A complaint will not be referred for investigation if, on the available information, it appears to the Assessment Sub-Committee to be trivial, vexatious, malicious, politically motivated or 'tit for tat'.

5.2 A complaint will not normally be referred for investigation if the subject member has offered an apology, a reasonable explanation of the issues, or if the Assessment Sub-Committee takes the view that the complaint can reasonably be addressed by other means.

5.3 Bearing in mind the public interest in the efficient use of resources, referral for investigation is generally reserved for serious complaints where alternative options for resolution are not considered by the Monitoring Officer or Assessment Sub-Committee to be appropriate, particularly in

cases where a subject member is no longer a member of a relevant council.

6. Length of Time Elapsed

6.1 A complaint will not be referred for assessment when it is made more than 20 working days from the date upon which the complainant became, or ought reasonably to have become, aware of the matter giving rise to the complaint. Any such complaint will be dismissed by the Monitoring Officer, and will not be referred to the Assessment Sub-Committee, although the Monitoring Officer retains the discretion to refer a complaint for assessment that would otherwise be out of time, in exceptional circumstances.

6.2 In any event, the Assessment Sub-Committee may decide not to refer a complaint for investigation where, in their opinion, the length of time that has elapsed since the matter giving rise to the complaint means that it would not be in the interests of justice to proceed.

7. Anonymous Complaints

7.1 Anonymous complaints will not be accepted for consideration unless the Monitoring Officer is satisfied that there would otherwise be a serious risk to the complainant's personal safety, in which case the Monitoring Officer will decide how the complaint should be taken forward.

8. Multiple Complaints

8.1 A single event may give rise to similar complaints from a number of complainants. Where possible these complaints will be considered by the Assessment Sub-Committee at the same time. Each complaint will, however, be considered separately. If an investigation is deemed to be appropriate the Monitoring Officer may determine that, in the interests of efficiency, only one complaint should go forward for investigation, with the other complainants being treated as potential witnesses in that investigation.

9. Confidentiality

9.1 All information regarding the complaint will remain confidential to the parties until determined otherwise by the Monitoring Officer, Assessment Sub-Committee or Hearing Sub-Committee.

10. Withdrawing Complaints

10.1 A complainant may ask to withdraw their complaint before it has been assessed.

10.2 In deciding whether to agree the request the Monitoring Officer will consider:

- a) the complainant's reasons for withdrawal;
- b) whether the public interest in taking some action on the complaint outweighs the complainant's wish to withdraw it;
- c) whether action, such as an investigation, may be taken without the complainant's participation.

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