

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 28 MARCH 2017 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Desna Allen, Cllr Ernie Clark and Cllr Howard Greenman

Also Present:

Paul Taylor, Senior Solicitor, William Oulton, Senior Democratic Services Officer, Colin Malcolm, Independent Person, Cllr Jonathon Seed, Dr Nigel Knott and Mr Gerald Churchouse.

22 **Election of Chairman**

Resolved:

To elect Councillor Ernie Clark as Chairman for this meeting only.

23 **Declarations of Interest**

There were no declarations.

24 **Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria for the meeting were noted.

25 **Exclusion of the Public**

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 Item Numbers 26-28 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.

26 **Review of an Assessment Decision: Reference WC-ENQ00135**

The Sub-Committee went through the initial tests required by the local assessment criteria, and agreed with the assessment of the Deputy Monitoring Officer that the complaint related to the subject member, that they were in office at the time of the alleged incident, and were acting in their capacity as a councillor. They therefore then had to determine whether the remaining assessment criteria were met and, if so, whether the matters alleged in the complaint were, if proven, capable of breaching the Code of Conduct of Wiltshire Council.

The Review Sub-Committee agreed the matters that were subject to a complaint lodged with the Information Commissioner were not relevant to the consideration of the initial complaint. Therefore there was no reason not to proceed to determine that original complaint at this time. It was noted that if, following the decision of the Information Commissioner, the complainant considered that there had been other breaches of the Code, a separate complaint could be made.

In reaching its decision the Sub-Committee relied upon the original complaint and supporting information, the response of the subject member, the initial assessment and the additional information submitted by the Complainant in his request for a review of the initial decision to take no further action. The Sub-Committee also received, at their meeting, verbal representations from Dr Nigel Knott, Mr Gerald Churchouse and Cllr Jonathon Seed.

The Sub-Committee agreed with the conclusions of the Deputy Monitoring Officer that the remarks by the subject member had been made in the context of an on-going political debate between the parties, who had known each other for some time. In considering the matter, the Sub-committee felt that whilst the language could be considered strong, it would not in itself be considered a breach of the code, taking into account the context in which the comments had been made and that it was therefore not a matter for further investigation. However, the Sub-Committee did feel that both parties should be encouraged to address their differences through informal processes separate to the Standard Framework.

Decision

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 26 June 2012, which came into effect on 1 July 2012 (and as amended), the Review Sub-Committee decided that no further action should be taken.

27 **Review of an Assessment Decision: Reference WC-ENQ00196**

The sub-committee considered a complaint against Councillor Dan Jackson of Southwick Parish Council.

The Sub-Committee went through the initial tests required by the local assessment criteria, and agreed with the assessment of the Deputy Monitoring Officer that the complaint related to the subject member, that he was in office at the time of the alleged incident, and was acting in his capacity as a councillor. They therefore then had to determine whether the remaining assessment criteria were met and, if so, whether the matters alleged in the complaint were, if proven, capable of breaching the Code of Conduct of the Parish Council.

In reaching its decision the Sub-Committee relied upon the original complaint and supporting information, the response of the subject member, the initial assessment and the additional information submitted by the Complainant in his request for a review of the initial decision to take no further action.

The Deputy Monitoring Officer had identified that the complaint related the interpretation of the requirement to declare an interest in a decision that related to a property where the subject member had a beneficial interest. The Deputy Monitoring Officer stated that there was insufficient evidence of a breach and that no actions should be taken. The Sub-Committee agreed with the reasoning, as outlined in the initial assessment notice.

The Sub-Committee therefore upheld the reasoning and the initial assessment decision of the Deputy Monitoring Officer to dismiss the complaint.

However, notwithstanding its decision to dismiss the complaint for the reason stated above, the Sub-Committee asked that the Parish Council be advised that consideration should be given to providing further training to members on the disclosure of interests to avoid misunderstandings in the future.

Decision

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 26 June 2012, which came into effect on 1 July 2012 and after hearing from the Independent Person, the Review Sub-Committee decided that no further action will be taken in respect of this complaint.

28 **Review of Assessments Decisions Reference: WC-ENQ00165 & WC-ENQ00181**

The sub-committee considered a review of a complaint against Councillor Nigel Donald Anderson of Redlynch Parish Council.

The Sub-Committee went through the initial tests required by the local assessment criteria, and agreed with the assessment of the Deputy Monitoring Officer that the complaint related to the subject members, that they were in

office at the time of the alleged incident, and were acting in their capacities as councillors. They therefore then had to determine whether the remaining assessment criteria were met and, if so, whether the matters alleged in the complaint were, if proven, capable of breaching the Code of Conduct of the Parish Council.

In reaching its decision the Sub-Committee relied upon the original complaint and supporting information, the response of the subject member, the initial assessment and the additional information submitted by the Complainant in his request for a review of the initial decision to take no further action.

The Deputy Monitoring Officer had, as part of his previous consideration of the complaint, referred the matter to the Police, as the allegations related to breaches of the statutory requirements relating to disclosable pecuniary interests. Consideration of the complaint was held in abeyance pending conclusion of their investigations. The police concluded their investigation and stated that they had advised the Subject Member on his obligations in respect of disclosable pecuniary interests and will be taking no further action. The Deputy Monitoring Officer concluded that, in light of the steps taken by the police, no further action should be taken.

The Sub-Committee, in considering the matter, felt that the alleged breach of the Code was sufficiently serious that, notwithstanding the decision of the police not to pursue it, the complaint should be referred for further investigation to enable the facts of the case to be determined.

Decision

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 26 June 2012, which came into effect on 1 July 2012 and after hearing from the Independent Person, the Review Sub-Committee decided to refer the complaints for investigation or other suitable action by the Monitoring Officer.

(Duration of meeting: 2.00 - 3.00 pm)

The Officer who has produced these minutes is Will Oulton of Democratic Services,
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