

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 27 JULY 2017 AT THE NORTH WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Ernie Clark, Cllr Howard Greenman and Cllr Brian Mathew

Also Present:

Kieran Elliott (Senior Democratic Services Officer), Tony Drew (Independent Person), Sukdave Ghuman (Public Law and Compliance)

34 **Election of Chairman**

Resolved:

To elect Councillor Howard Greenman as Chairman for this meeting only.

35 **Declarations of Interest**

There were no declarations.

36 **Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria for the meeting were noted.

37 **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 Minute 38 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

38 **Review of an Assessment Decision: Reference WC-ENQ00198**

The Chairman led the Sub-Committee through the local assessment criteria which detailed the initial tests that should be satisfied before assessment of a complaint was commenced. The complaint was regarding alleged conduct of Cllr Tom Rounds, a member of Calne Town Council.

Upon going through the initial tests, it was agreed that the complaint related to the conduct of a member and that the member was in office at the time of the alleged incident and remains a member of Calne Town Council. A copy of the appropriate Code of Conduct was also supplied 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, was it appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint, the initial assessment of the Deputy Monitoring Officer to take no further action and the complainant's request for a review. The Sub-Committee also considered the written representation made to the Review by the complainant, who was not able to attend in person. The Sub-Committee noted that the subject member had not replied to the Deputy Monitoring Officer's invitation for him to provide a response to the complaint.

Conclusion

The Deputy Monitoring Officer had resolved that the matter was principally in relation to an item not appearing upon a council agenda at the complainant's request, being a member of the Town Council at the time of the complaint. Furthermore, as compilation of agendas was an officer function of the Council, that the Code of Conduct did not apply. Additionally, while a lack of response on such issues by the subject member would be discourteous, that it would not in itself be sufficient to amount to a breach.

The Sub-Committee noted the comments of the complainant in their request for a review of the initial assessment decision disputing the specific interpretation of their complaint, being an allegation that proper procedure had not been followed by the subject member and that this failure constituted a breach of the Code. They also noted the comments in relation to the proper procedures of the Town Council and whether or not the subject member acting in their capacity as mayor had any obligations or expectations to follow in the matter, and whether a failure to communicate or act might amount to a potential breach of the Code.

The Sub-Committee considered that there was a lack of clarity as to the procedures that should have been followed and the extent of the subject

member's reasonable requirement to act, to make a decision of some measure, especially in light of his position as town mayor and the nature of the complaint. They noted that it appeared the complainant may have been denied a review of the decision of Personnel Sub-Committee in relation to his complaint. Therefore they considered they could not dismiss the complaint in accordance with the initial assessment decision and that an investigation was necessary to establish the facts with greater certainty in order to make such a judgement, particularly in light of the lack of a response or explanation from the subject member.

Lacking that clarity, the Sub-Committee therefore further considered that with current information if the allegations made were proven, there were possible breaches under paragraphs 4 and 5 of the Code of Conduct, in addition to a failure to promote and support high standards of conduct or have sufficient regard to the principles of openness, accountability and leadership.

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 complaint for investigation.

(Duration of meeting: 1.00 - 1.30 pm)

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