

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 23 MARCH 2018 AT DYSON ROOM, COUNTY HALL, TROWBRIDGE, BA14 8JN.

Present:

Cllr Bob Jones MBE, Cllr Fred Westmoreland and Cllr Graham Wright

Also Present:

Kieran Elliott (Senior Democratic Services Officer), Paul Barnett (Senior Solicitor), Caroline Baynes (Independent Person), Mr and Mrs Baldry (Complainant), Cllr Paul Oatway QPM (Subject Member)

16 **Election of Chairman**

Resolved:

To elect Councillor Bob Jones MBE as Chairman for this meeting only.

17 **Declarations of Interest**

There were no declarations.

18 **Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria for the meeting were noted.

19 **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 20 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

Preamble

A complaint had been made by Mr Larry Baldry against Cllr Paul Oatway QPM, a member of Wiltshire Council. The allegation was that the subject member had made false statements before a public inquiry with the effect and intent of damaging the complainant.

The complaint had received an initial assessment which had concluded that the alleged behaviour, if proven, would amount to a breach of the Code of Conduct. Although the complaint had been submitted out of time under procedure, the matter had been referred for investigation to establish whether or not a breach had occurred in the interests of transparency, which was not challenged by the subject member.

Following that investigation the Investigating Officer's report concluded that there was no evidence of a breach of the Code of Conduct. In consultation with one of the council's Independent Persons, the Monitoring Officer had then upheld the Investigating Officer's finding of there being no breach. The complainant then requested a review of the Monitoring Officer's decision to uphold the findings of the Investigating Officer's reports.

In reaching its decision, the Sub-Committee took into account the Investigating Officer's report and supporting documentation, which included the original complaint, the response of the subject member, the initial assessment decision, other evidence provided during the investigation, comments on the report itself from both parties, the decision notice of the Monitoring Officer, and the complainant's request for a review. The Sub-Committee also considered the verbal representations made at the Review by the complainant and the subject member.

Conclusion

As the Investigating Officer had noted in their report, the issue was whether, if the subject member was incorrect in what he told the public inquiry on 23 May 2017, that mis-statement was made deliberately in order to disadvantage the complainant. While there was a dispute over precisely what had been said by the subject member, or to the subject member, and what impact his statements had on the wider issues being determined by the independent inspector at the inquiry, on the basis of the evidence available to him the Investigating Officer had concluded that there was no evidence of such an attempt to misrepresent the facts.

The Sub-Committee considered the report and the representations made by both parties, and were of the view that no submissions had been made which would justify overturning the decision of the Monitoring Officer to uphold the

findings of the Investigating Officer. It was the view of the Sub-Committee that the Investigating Officer's report had been thorough in its examination of the key allegations and facts of the incidents which had given rise to the complaint, and therefore they accepted the conclusions that there was no breach of the Code of Conduct.

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 has decided to take no further action.

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115