

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

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