

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 23 AUGUST 2017 AT THE NORTH WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Sue Evans, Cllr Peter Hutton and Cllr George Jeans

Also Present:

Paul Taylor, Senior Solicitor, Kieran Elliott, Senior Democratic Services Officer, Phil Mathews, Peter Edge

1 Election of Chairman

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

2 Declarations of Interest

Councillor George Jeans declared a non-pecuniary interest in that he had attended meetings of the South West Wiltshire Area Board and so he had encountered the names of the parties, although he was not closely acquainted with them.

3 Meeting Procedure and Assessment Criteria

The procedure and assessment criteria for the meeting were noted.

4 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 Number 5 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.

5 Review of an Assessment Decision: Reference WC-ENQ00202

A complaint had been submitted by Mrs Julia Hawkins against Councillor Philip Matthews, a member of Wilton Town Council. At the time of the complaint Mrs Hawkins had also been a member of Wilton Town Council. The allegation was that over a sustained period Councillor Matthews had subjected Mrs Hawkins to a pattern of disrespectful and bullying behaviour in breach of the relevant Code of Conduct.

The initial assessment of the Deputy Monitoring Officer had been that the allegations, if proven, might rise to the level of a breach of the Code, but to attempt alternate resolution in the form of mediation between the parties, both being committed to the local community. When it was apparent that mediation would not resolve the areas of dispute between the parties, the matter had been referred for investigation by the Deputy Monitoring Officer. Councillor Matthews had then requested a review of that decision.

At the meeting following exclusion of the public, Councillor Matthews addressed the Sub-Committee regarding the complaint. He was accompanied by Councillor Peter Edge, also of Wilton Town Council. Councillors Matthew and Edge then withdrew from the meeting.

The Chairman then 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.

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 the alleged incidents and remains a member of Wilton 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 still appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint and supporting documentation, the response of the subject member, the initial assessment of the Deputy Monitoring Officer to refer the matter for alternate resolution and mediation, and then to refer for investigation when it was stated mediation was not accepted, and also the subject member's request for a review. The Sub-Committee also considered the verbal representation from Councillor Matthew as noted above, and additional written submission from Mrs Hawkins, who was not able to attend.

The Deputy Monitoring Officer in their initial assessment had noted that the matters raised were finely balanced. Taken individually he had considered that the alleged behaviour might not reflect well on the subject member but did not rise to the level of a breach, noting the objective tests as to whether a reasonable person would consider such alleged incidents as disrespectful or bullying. In the words of the Deputy Monitoring Officer, 'by the finest margins' he had considered that when considering the alleged incidents collectively they could, if proven, be capable of breaching the Code in terms of the provisions on disrespectful behaviour.

The Sub-Committee considered the submissions from both parties carefully, noting that communication and trust had clearly broken down between them over a period of time, and that the complainant felt aggrieved at the alleged treatment they received. However, noting in particular the finely balanced nature of the initial judgement, and taking into account the town council explicitly placing the test of disrespectful and/or bullying behaviour as an objective rather than subjective test, they were not satisfied the alleged behaviours, even considered collectively, would, if proven, amount to a breach of the Code of Conduct.

Therefore, they resolved to take no further action in respect of the complaint.

The Sub-Committee further noted the initial assessment decision stating that both parties were committed to public service in the parish, and the hope that alternate resolution could conclude the matter satisfactorily for both parties. Whilst recognising that further attempts at mediation were unlikely, the Sub-Committee did not consider that the matters alleged should be resolved through the Code of Conduct process, and hoped that further discussion might resolve the difficulties between the parties.

The Sub-Committee also took the opportunity to highlight to all potential subject members and complainants that, once the complaints procedure was initiated, all matters relating to the complaint should remain confidential until a Standards Sub-Committee or the Monitoring Officer decided otherwise.

Resolved:

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.

(Duration of meeting: 12.30 - 1.00 pm)

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