

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 18 APRIL 2018 AT COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Gordon King, Cllr Peter Hutton and Cllr Trevor Carbin

Also Present:

Kieran Elliott (Senior Democratic Services Officer), Paul Taylor (Senior Solicitor), Carolyn Baynes (Independent Person), William Johnson (representing Subject Member John Eaton WC-ENQ00236), Kath Noble (representing Complainant Tony Doel WC-ENQ00235 and WC-ENQ00236)

21 Election of Chairman

Resolved:

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

22 Declarations of Interest

There were no declarations.

23 Meeting Procedure and Assessment Criteria

The procedure and assessment criteria for the meeting were noted.

24 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 Agenda Item Number 4 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

25 **Review of an Assessment Decision: Reference WC-ENQ00240**

Preamble

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 related to the alleged conduct of Cllr Marilyn Tye, of Box Parish Council. The Complainant, Stewart Barnes, was also a member of Box Parish 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 the alleged incident and remains a member of Box Parish Council. A copy of the relevant Code of Conduct was also provided 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 including supporting information, 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 a written statement from the Subject Member in response to the review request. Neither party was in attendance.

Conclusion

The complaint related to a letter sent by the subject member to the complainant regarding a complaint which had been raised by an employee of the Parish Council concerning actions of the complainant. The letter informed the complainant that the subject member, as Chairman of the Parish Council, had taken legal advice regarding the duty of care owed to any staff of the Parish Council, and requested that the actions which had given rise to that complaint cease. The complainant considered the contents of the letter to be bullying, intimidatory, disrespectful, and conferring a disadvantage on her that no other member of the Parish Council was under.

Having reviewed the evidence, the Sub-Committee recognised the upset faced by the complainant in receiving the letter that she had from the Chairman of the Parish Council, and that the situation could perhaps have been handled in a different manner. However, noting the genuine concerns raised with the Chairman, the duty of care to council staff, and in particular the relevant Code of Conduct's objective test regarding respect and bullying, the Sub-Committee did not consider that the actions of the subject member in this instance had risen to that of a potential breach of that Code.

Accordingly, they resolved to uphold the decision and reasoning of the Deputy Monitoring Officer to take no further action in respect of the complaint.

In the request for review the complainant had raised concerns about the subject member seeking legal advice without express designated authority from the council as a whole. As noted in the decision of the Deputy Monitoring Officer, in small councils with limited staff it is reasonable for a Chairman to act for the Council on a day to day basis in respect of employee issues that cannot wait for formal action. While it would be a procedural point as to whether authority had been overstepped in doing so, the Sub-Committee did not believe this was the case, and was of the view that none of the actions alleged would in any case amount to a breach of the Code.

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.

26 **Review of an Assessment Decision: Reference WC-ENQ00235**

Preamble

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 involved the alleged conduct of Cllr John Eaton, of Southwick Parish 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 the alleged incident and remains a member of Southwick Parish Council. A copy of the relevant Code of Conduct was also provided 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 including supporting information, the initial assessment of the Deputy Monitoring Officer to take no further action, and the complainant's request for a review and response from the subject member. The Sub-Committee also considered verbal statements from representatives of both parties, neither complainant or subject member being personally in attendance.

Conclusion

The complaint related to a meeting of the Parish Council, at which it was alleged that the subject member spoke to a matter in which he had a pecuniary interest.

It was noted that a declaration of interest had been made by the subject member at the meeting on 5 December 2017 and that, whilst he had made a few comments during the debate he had not voted. After considering the submissions before it the Sub-Committee determined to uphold the decision and reasoning of the Deputy Monitoring Officer to take no further action in respect of the complaint.

The Sub-Committee also noted that in the decision notice it had been stated that the entire Parish Council could benefit from training on interests, and it was their understanding a training session had now recently been provided, and the opportunity taken up by several members, which would, it was hoped, reduce the potential for any confusion in 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 has decided to take no further action.

27 **Review of an Assessment Decision: Reference WC-ENQ00236**

Preamble

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 involved the alleged conduct of Cllr Joan Jones, of Southwick Parish 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. A copy of the relevant Code of Conduct was also provided for the assessment.

The Sub-Committee was informed that the subject member had subsequently resigned from the Parish Council. In the interests of openness and transparency, however, the Sub-Committee resolved to continue to determine the complaint.

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 including supporting information, the initial assessment of the Deputy Monitoring Officer to take no further action, and the complainant's request for a review and response from the subject member. A representative of the complainant was present, but no additional statements were made. The subject member was not in attendance.

Conclusion

The complaint related to a meeting of the Parish Council, at which it was alleged that the subject member spoke to a matter in which she had a pecuniary interest.

It was noted that no declaration interest had been made at the meeting on 5 December by the subject member. However, the Sub-Committee accepted the conclusions of the Deputy Monitoring Officer that the Subject Member did not believe that the relationship between her land and the land under consideration was such as to constitute a disclosable pecuniary interest. Therefore, after considering the submissions before it the Sub-Committee determined to uphold the decision and reasoning of the Deputy Monitoring Officer to take no further action in respect of the complaint.

The Sub-Committee also noted that in the decision notice it had been stated that the entire Parish Council could benefit from training on interests, and it was their understanding a training session had now recently been provided, and the opportunity taken up by several members, which would, it was hoped, reduce the potential for any confusion in 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 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

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