

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 26 JULY 2018 AT CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Gordon King, Mr Michael Lockhart (non-voting), Cllr Fred Westmoreland and Cllr Graham Wright

Also Present:

Kieran Elliott (Senior Democratic Services Officer), Paul Taylor (Senior Solicitor), Tony Drew (Independent Person)

7 Election of Chairman

Resolved:

To elect Councillor Fred Westmoreland as Chairman for this meeting only.

8 Declarations of Interest

There were no declarations.

9 Meeting Procedure and Assessment Criteria

The procedure and assessment criteria for the meeting were noted.

10 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 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

11 Review of an Assessment Decision: Reference WC-ENQ00245

Preamble

The complaint was regarding the alleged conduct of Cllr Matthew Dean, of Salisbury City Council. The complainant made a series of allegations relating to a conversation between himself and the subject member at a meeting on 21 June 2017 which involved claims that the City Council had banned the complainant from public spaces and working for his own company

In this instance no Initial Assessment had yet been conducted, and the review was in relation to a preliminary finding by the Deputy Monitoring Officer that the complaint had not been submitted within the necessary timescales, (being within 20 working days from when the complainant became, or ought reasonably to have become, aware of the matters giving rise to the complaint), and that there was no reason to make an exception to those timescales in this case.

The Sub-Committee therefore had to decide whether there was justification to waive the time limitation in respect of the complaint, in which case the matter would be referred to the Monitoring Officer to undertake a formal initial assessment

In reaching its decision, the Sub-Committee took into account the complaint and supporting documentation, the response of the subject member, the preliminary finding of the Deputy Monitoring Officer to take no further action, and the complainant's request for a review of that finding. The Sub-Committee also considered the written representations submitted to the Review by the complainant. Neither party was in attendance.

Conclusion

Complaints on Code of Conduct matters are required to be submitted to the Monitoring Officer of Wiltshire Council. The complaint related to an incident on 21 June 2017. It was registered with the Council on 26 April 2018.

Extensive documentation had been provided which demonstrated that the complainant had been aware of the matters being complained of from the time of the incident. The question for the Sub-Committee, was therefore whether there was justification to accept the complaint despite the delay in its submission. The seriousness of the accusations was a relevant consideration.

After deliberation the Sub-Committee did not feel there was adequate justification to waive the time limit requirement for the complaint. The Salisbury City Council site was clear that Code of Conduct complaints must be submitted

to Wiltshire Council, and the complainant had referenced that legal advice had been sought; no reason had been provided as to why there had been a delay of some ten months.

The Sub-Committee accepted that many of the complaints raised by the Complainant were potentially serious. However, these principally related to the City Council itself or to officers of the City Council, rather than being Code of Conduct matters. Legal recourse, as mentioned by the Complainant, may be a more appropriate way to address those concerns rather than the Code of Conduct process.

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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