

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 25 JULY 2018 AT KENNET ROOM - WILTSHIRE COUNCIL OFFICES, COUNTY HALL, TROWBRIDGE.

Present:

Mr Philip Gill MBE, Cllr George Jeans, Mr Michael Lockhart, Cllr Stuart Wheeler and Cllr Trevor Carbin

Also Present:

Paul Taylor (Senior Solicitor), Kieran Elliott (Senior Democratic Services Officer), Stuart Middleton (Independent Person WC-ENQ00252), John Dalley (Subject Member WC-ENQ00252), Kelly Dodsworth (Complainant WC-ENQ00252), Malcolm Reeves (Complainant WC-ENQ00247/249/250/251)

1 Election of Chairman

Resolved:

To elect Councillor Stuart Wheeler as Chairman for this meeting only.

2 Declarations of Interest

There were no declarations.

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 Numbers 5 and 6 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

Note: The two review items were conducted separately.

5 **Review of an Assessment Decision: Reference WC-ENQ00247, WC-ENQ00249, WC-ENQ00250 and WC-ENQ00251**

The Sub-Committee considered a review of an assessment decision regarding Councillors Ros Whiting, Gabrielle Horton, Adrian Andrews and Nick Greene of Stanton St Quintin Parish Council (the subject members). The allegation from Mr Malcolm Reeves (the complainant) was that the subject members had used their office to slander him at a parish council planning meeting and the minutes thereof, and in doing so breached paragraphs 1, 2 and 3 of the council's Code of Conduct.

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.

Upon going through the initial tests, it was agreed that the complaint related to the conduct of the members and that the members were in office at the time of the alleged incident and remained members of the Parish Council. A Code of Conduct was in place and had been provided with 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 members, 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 the verbal representations made at the Review by the complainant. No subject members were in attendance.

Consideration

The complaint related to a meeting of Stanton St Quintin Parish Council on 27 February 2018, the minutes for which made a number of comments regarding a planning application from, and land belonging to, the complainant. Specifically, the minutes stated the complainant had included documents containing 'factual inaccuracy, a deliberate attempt to mislead'.

The decision of the Deputy Monitoring Officer had concluded that the substance of the complaint related to the actions of the parish council as a body corporate, namely the accuracy of the minutes. The Standards regime is designed to address allegations of specific behaviours, and as the complaint was related to the minutes, no comments or statements were attributed to any particular

member. As such, a dispute over the contents or accuracy of the minutes was a matter for the parish council and, ultimately, a court to determine.

The Review Sub-Committee accepted the reasoning of the Deputy Monitoring Officer that the decisions of the Parish Council regarding minutes' accuracy were not a matter which could be addressed as a Code of Conduct matter. They therefore concluded to take no further action in respect of the complaint.

However, they also noted that in their collective response to the complaint the members had stated they would like to offer the complainant an apology for the language used in the minutes, which had since been amended. The Sub-Committee recommended that the members make any such apology public, and that in any case if the minutes had been amended since being approved, this would require a formal resolution by the parish council noting the original wording and that these had been changed.

At the conclusion of discussion, it was,

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 determined to take no further action.

Update Note: Following a decision by the Ombudsman, the above complaints were reconsidered at a meeting on 12 June 2019.

6 Review of an Assessment Decision: Reference WC-ENQ00252

The Sub-Committee considered a review of an assessment decision regarding Councillor John Dalley of Rowde Parish Council (the subject member). The allegation from Miss Kelly Dodsworth (the complainant) was that the subject member had spoken in an angry and intimidatory manner to the complainant and in so doing breached paragraphs 1 and 2 of the council's Code of Conduct.

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.

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 and remained a member of Rowde Parish Council. A Code of Conduct was in place and had been provided with 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, 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 the verbal representations made at the Review by the complainant and the subject member.

Consideration

The complaint related to a confrontation between the subject member and complainant following a communication by the complainant directed at the parish council regarding a litter clean up that had taken place, and the subject member's reaction.

The decision of the Deputy Monitoring Officer had concluded that while the alleged reaction of the subject member may have been extremely unwise or unprofessional, legal protections on freedom of expression were such that he did not consider that the incident rose to a level of an excessive or personal attack which would mean that a breach of the Code of Conduct may have occurred.

While acknowledging that even a single instance of poor behaviour is capable of being a breach of the listed provisions of the Code of Conduct, the Sub-Committee accepted the reasoning of the Deputy Monitoring Officer that in the circumstances the allegations did not rise to the level of a breach.

The Sub-Committee also noted that both parties had the interests of their community at heart, and hoped that each could see a way to moving forward in the best interests of the village and its residents.

At the conclusion of discussion, it was,

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 determined 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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