

## STANDARDS REVIEW SUB-COMMITTEE

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**MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 12 OCTOBER 2018 AT COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

**Present:**

Cllr Ruth Hopkinson, Cllr Paul Oatway QPM, Cllr Stuart Wheeler, Mr Philip Gill MBE (non-voting), Mr Michael Lockhart (non-voting)

**Also Present:**

Caroline Baynes (Independent Person), Frank Cain (Deputy Monitoring Officer), Kieran Elliott (Senior Democratic Services Officer), Gary Mansell (subject member)

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**1 Election of Chairman**

**Resolved:**

**To elect Cllr Stuart Wheeler as Chairman for this meeting only.**

**2 Declarations of Interest**

Councillors Oatway and Wheeler declared that they were members of the Area Board adjacent to that containing Bishops Cannings, Pewsey Area Board, in which area the complainant worked for a local parish council. They confirmed they had no pecuniary or non-pecuniary interest and were not acquaintances of any of the parties involved.

**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.**

*Paragraph 1 - information relating to an individual*

## **5 Review of an Assessment Decision: Reference WC-ENQ00265**

A complaint had been made by Miss Alison Kent (the complainant) against Cllr Gary Mansell (the subject member), a member of Bishops Cannings Parish Council. The complaint was centred on Three/four allegations; that the Subject Member had as a result of a business or personal relationship acted improperly in breach of the Code during the appointment of a new parish clerk when there was a conflict of interests, that proper advice had been ignored and the Complainant had been shouted down (and as a result, illegal meetings held), and that financial procedures had not been followed.

The complaint had received an initial assessment by a representative of the Monitoring Officer, who had concluded that the alleged behaviour, if proven, would amount to breaches of paragraphs 1 and 7 of the Code. The complaint was therefore referred for investigation. The subject member then requested a review of that initial assessment decision.

After opening the meeting and detailing the procedure, the Sub-Committee formally excluded any press or public, and then received a verbal statement from the Subject Member denying that they he had breached the Code in any way. A written statement from the complainant was also considered setting out reasons why they she considered breaches had occurred. The Sub-Committee then retired to consider the complaint and the reasons for review.

### Preamble

The Sub-Committee were satisfied that the initial tests of the Assessment Criteria had been met, being that the member was and remained a member of Bishops Cannings Parish Council, that the conduct related to their conduct as a member of that council, and that a copy of the relevant Code of Conduct provided for the assessment was in force at the relevant times.

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 complaint and supporting documentation, the response of the Subject Member, the initial assessment of a representative of the Monitoring Officer to refer the matter for investigation, and the Subject Member's request for a review. The Sub-Committee also considered a verbal statement from the Subject Member at the review, and a written statement provided by the Complainant, who was not in attendance.

## Conclusion

The Sub-Committee took into account the strong representations received from both parties, and considered that in light of the seriousness of the allegations and the level of information provided for the initial assessment, that it was in the interests of both of those parties that the allegations be investigated in order to determine the facts. As had also been noted by the initial assessment, the Sub-Committee's decision to refer for investigation in no way made a determination on the veracity of the allegations, only that if those allegations were proven this would amount to a breach of the Code of Conduct.

It had been separately raised by the Subject Member at the Review that the Complainant had made a reference to people at Wiltshire Council and their purported views on Facebook.

The Sub-Committee, for the sake of clarity, noted that its decisions were not affected by any alleged statements made by other members of the Authority, and secondly that any response on behalf of the Council would be an operational matter ultimately under the purview of the Cabinet and therefore outside the remit of the review sub Committee.

At the conclusion of discussion it was therefore,

## 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 refer the complaint for investigation.**

(Duration of meeting: 1300-1330)

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