

## STANDARDS REVIEW SUB-COMMITTEE

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**MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 30 JANUARY 2019 AT THE NORTH WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.**

**Present:**

Cllr Peter Fuller, Cllr Gordon King, Cllr Graham Wright and Mr Philip Gill MBE (non-voting)

**Also Present:**

Paul Taylor (Legal), Caroline Baynes (Independent Person), Kieran Elliott (Democratic Services), Mr Roger Kirk (Complainant)

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**27 Election of Chairman**

**Resolved:**

**To elect Councillor Graham Wright as Chairman for this meeting only.**

**28 Declarations of Interest**

There were no declarations.

**29 Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria for the meeting were noted.

**30 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*

**31 Review of an Assessment Decision: Reference WC-ENQ278**

Preamble

The complaint was from Mr Roger and Mrs Carol Kirk regarding the alleged conduct of Cllr Trevor Carbin of Wiltshire Council.

The Sub-Committee were satisfied that the initial tests of the Assessment Criteria had been met, being that the member was and remains a member of Wiltshire Council, that the conduct related to their conduct as a member of that council, and that a copy of the relevant Code of Conduct was 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, whether 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 a verbal statement from the Complainant.

Conclusion

The complaint revolves around what the Complainant refers to as a 'letter of objection' from the Subject Member. This was in fact a request for a call in by a division member, and a recognised process set out in Wiltshire Council's constitution.

The Deputy Monitoring Officer had concluded that the Subject Member was and is the ward member in which the planning application related. The Subject Member had exercised his right to call in the application for it to be determined by the committee. Neither the decision of the committee nor the recommendation of professional planning officers was influenced by the call in. The call in merely determines who should make the final decision (officer or committee).

The decision of the Subject Member to exercise his right to "call in" the application was not, therefore, something that could constitute a breach of the Code.

The Review Sub-Committee agreed with the decision and reasoning of the Deputy Monitoring Officer.

It was therefore resolved to uphold the decision of the Deputy Monitoring Officer to take no further action in respect of the complaint.

The Sub-Committee noted the Complainants' comments about the conduct of the Planning Officer who had dealt with their planning application. This would be a matter for the Council's corporate complaints process and it was understood that such a complaint had been made.

**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 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](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115