

Standards Review Sub-Committee

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 14 NOVEMBER 2019 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Ernie Clark, Cllr Peter Fuller, Cllr Howard Greenman, Mr Richard Baxter (non-voting) and Miss Pam Turner (non-voting)

Also Present:

Paul Barnett (Legal), Kieran Elliott (Democratic Services), Caroline Baynes (Independent Person), Mr and Mrs D'Arcy-Irvine (Complainants)

47 **Election of Chairman**

Resolved:

To elect Councillor Howard Greenman as Chairman for this meeting only.

48 **Declarations of Interest**

There were no declarations.

49 **Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria for the meeting were noted.

50 **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

- 51 **Review of Assessment Decisions: Reference COC124135, COC124134,**
COC124049
- 52 **Complaint COC124135**

Preamble

A complaint had been submitted by Mr and Mrs D’Arcy-Irvine, regarding the conduct of Cllr Peter Cliffe-Roberts, Enford Parish 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 Enford 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 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 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 take no further action, and the complainants’ request for a review and supporting documentation. The Sub-Committee also considered a verbal statement from the complainants and a written statement from the Subject Member, who was not in attendance.

Conclusion

The complaint involved a long running dispute between the complainants and the Parish Council, of which Mr D’Arcy-Irvine is also a member, regarding location of the boundary between the parish hall and the complainants’ property, and the actions of the Subject Member as part of that dispute. The dispute stretched across many years, and in particular many of the points of complaint arose anew in 2017 onwards, and there had been many exchanges of correspondence between solicitors for the various parties involved.

The initial assessment has noted that under the assessment criteria matters could only be subject to complaint if that complaint was made within 20 days from when the complainants were aware or ought to have become aware of the matters in question, and had not considered points before that date. The Sub-Committee accepted that point. They were also of the opinion that the decision of the various parties to engage solicitors in communication with one another regarding the dispute did not preclude the submission of a Code of Conduct complaint at an earlier stage., Notwithstanding this however, the Sub-Committee noted the long running background to the dispute, and the alleged actions of the Subject Member and the others subject to the complaint, within the period since May considered by the initial assessment.

The Sub-Committee, on the balance of the information as provided, accepted the reasoning of the initial assessment decision that the concerns raised in the complaint related to the dispute between the parish council as a body and the complainants, which the Complainants then sought to frame as a Code of Conduct complaint against individual councillors, including the Subject Member, who is currently serving as Chairman. They also accepted the analysis that the alleged actions of individual members of that council as part of that dispute, including the Subject Member, would not, if proven, rise to the level of a breach of the Code of Conduct.

From the documentation submitted, however, the Sub-Committee did feel that the actions of the Parish Council as a body had at times during the course of the dispute caused confusion, particularly in relation to the relationship between the Parish Hall Committee and the Parish Council itself. They found it disappointing that the tone of the Parish Council's communication and the confusion around processes undertaken had caused levels of distress to the complainants and contributed to the increasing acrimony between the parties involved. Whilst it considered that the matter was principally a boundary dispute not a Code of Conduct matter, the Sub-Committee felt the Parish Council need not have found itself in a situation where the Subject Member, and the others subject to complaint, faced such allegations.

The Sub-Committee noted the joint statement of the Subject Member and the other members subject to complaint in this matter that it had been the decision of the Parish Council not to pursue a title claim to the disputed area and that the Parish Hall's title had now been registered to avoid further dispute. It therefore hoped all parties could look forward from this point, and submit that it might be helpful if the decision to conclude the matter and prevent further dispute were appropriately communicated via the Parish Council meeting minutes and the newsletter.

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.

53 **Complaint COC124134**

Preamble

A complaint had been submitted by Mr and Mrs D'Arcy-Irvine, regarding the conduct of Cllr Mark Hiskett, Enford Parish 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 Enford 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 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 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 take no further action, and the complainants' request for a review and supporting documentation. The Sub-Committee also considered a verbal statement from the complainants and a written statement from the Subject Member, who was not in attendance.

Conclusion

The complaint involved a long running dispute between the complainants and the Parish Council, of which Mr D'Arcy-Irvine is also a member, regarding location of the boundary between the parish hall and the complainants' property, and the actions of the Subject Member as part of that dispute. The dispute stretched across many years, and in particular many of the points of complaint arose anew in 2017 onwards, and there had been many exchanges of correspondence between solicitors for the various parties involved.

The initial assessment has noted that under the assessment criteria matters could only be subject to complaint if that complaint was made within 20 days from when the complainants were aware or ought to have become aware of the matters in question, and had not considered points before that date. The Sub-Committee accepted that point. They were also of the opinion that the decision of the various parties to engage solicitors in communication with one another regarding the dispute did not preclude the submission of a Code of Conduct complaint at an earlier stage. Notwithstanding this however, the Sub-Committee noted the long running background to the dispute, and the alleged actions of the Subject Member and the others subject to the complaint, within the period since May considered by the initial assessment.

The Sub-Committee, on the balance of the information as provided, accepted the reasoning of the initial assessment decision that the concerns raised in the complaint related to the dispute between the parish council as a body and the complainants, which the Complainants then sought to frame as a Code of Conduct complaint against individual councillors, including the Subject Member, who is currently serving as Chairman. They also accepted the analysis that the alleged actions of individual members of that council as part of that dispute, including the Subject Member, would not, if proven, rise to the level of a breach of the Code of Conduct.

From the documentation submitted, however, the Sub-Committee did feel that the actions of the Parish Council as a body had at times during the course of

the dispute caused confusion, particularly in relation to the relationship between the Parish Hall Committee and the Parish Council itself. They found it disappointing that the tone of the Parish Council's communication and the confusion around processes undertaken had caused levels of distress to the complainants and contributed to the increasing acrimony between the parties involved. Whilst it considered that the matter was principally a boundary dispute not a Code of Conduct matter, the Sub-Committee felt the Parish Council need not have found itself in a situation where the Subject Member, and the others subject to complaint, faced such allegations.

The Sub-Committee noted the joint statement of the Subject Member and the other members subject to complaint in this matter that it had been the decision of the Parish Council not to pursue a title claim to the disputed area and that the Parish Hall's title had now been registered to avoid further dispute. It therefore hoped all parties could look forward from this point, and submit that it might be helpful if the decision to conclude the matter and prevent further dispute were appropriately communicated via the Parish Council meeting minutes and the newsletter.

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.

54 **Complaint COC124049**

Preamble

A complaint had been submitted by Mr and Mrs D'Arcy-Irvine, regarding the conduct of Cllr Richard Roberts, Enford Parish 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 Enford 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 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 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 take no further action, and the complainants' request for a review and supporting documentation. The Sub-Committee also considered a verbal statement from

the complainants and a written statement from the Subject Member, who was not in attendance.

Conclusion

The complaint involved a long running dispute between the complainants and the Parish Council, of which Mr D'Arcy-Irvine is also a member, regarding location of the boundary between the parish hall and the complainants' property, and the actions of the Subject Member as part of that dispute. The dispute stretched across many years, and in particular many of the points of complaint arose anew in 2017 onwards, and there had been many exchanges of correspondence between solicitors for the various parties involved.

The initial assessment has noted that under the assessment criteria matters could only be subject to complaint if that complaint was made within 20 days from when the complainants were aware or ought to have become aware of the matters in question, and had not considered points before that date. The Sub-Committee accepted that point. They were also of the opinion that the decision of the various parties to engage solicitors in communication with one another regarding the dispute did not preclude the submission of a Code of Conduct complaint at an earlier stage., Notwithstanding this however, the Sub-Committee noted the long running background to the dispute, and the alleged actions of the Subject Member and the others subject to the complaint, within the period since May considered by the initial assessment.

The Sub-Committee, on the balance of the information as provided, accepted the reasoning of the initial assessment decision that the concerns raised in the complaint related to the dispute between the parish council as a body and the complainants, which the Complainants then sought to frame as a Code of Conduct complaint against individual councillors, including the Subject Member, who is currently serving as Chairman. They also accepted the analysis that the alleged actions of individual members of that council as part of that dispute, including the Subject Member, would not, if proven, rise to the level of a breach of the Code of Conduct.

From the documentation submitted, however, the Sub-Committee did feel that the actions of the Parish Council as a body had at times during the course of the dispute caused confusion, particularly in relation to the relationship between the Parish Hall Committee and the Parish Council itself. They found it disappointing that the tone of the Parish Council's communication and the confusion around processes undertaken had caused levels of distress to the complainants and contributed to the increasing acrimony between the parties involved. Whilst it considered that the matter was principally a boundary dispute not a Code of Conduct matter, the Sub-Committee felt the Parish Council need not have found itself in a situation where the Subject Member, and the others subject to complaint, faced such allegations.

The Sub-Committee noted the joint statement of the Subject Member and the other members subject to complaint in this matter that it had been the decision of the Parish Council not to pursue a title claim to the disputed area and that the Parish Hall's title had now been registered to avoid further dispute. It therefore hoped all parties could look forward from this point, and submit that it might be helpful if the decision to conclude the matter and prevent further dispute were appropriately communicated via the Parish Council meeting minutes and the newsletter.

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

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