

Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 18 AUGUST 2020 AT ONLINE MEETING.

Present:

Cllr Ruth Hopkinson (Chairman), Cllr Ernie Clark (Vice-Chairman),
Cllr Richard Britton, Cllr Fred Westmoreland, Cllr Stuart Wheeler, Mr Philip Gill MBE
and Mr Michael Lockhart

Also Present:

Frank Cain (Head of Legal Services) Kieran Elliott (Senior Democratic Services
Officer), Jessica Croman (Democratic Services Officer), Tony Drew (Independent
Person), Caroline Baynes (Independent Person).

9 **Apologies**

There were no apologies.

10 **Minutes of the Previous Meeting**

The minutes of the meeting held on 23 June 2020 were received and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

11 **Declarations of Interest**

Declarations were made under each relevant agenda item as follows:

All the voting members of the Sub-Committee declared a non-pecuniary interest in being acquainted with the Subject Member of complaint COC129415 and the Complainant of complaint COC129218, as in each case the party in question was a Wiltshire Councillor.

Councillor Ruth Hopkinson further declared a non-pecuniary interest in complaint COC129415 as also being acquainted with the Complainant and had attended their town council in the past.

In each case the Members were satisfied they had not been directly involved in the matters to be discussed and had no personal connections with the parties which would prevent them from participating and voting on the complaints.

12 **Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria were noted.

13 **Exclusion of the Public**

It was,

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 Minute 14 6 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

14 **Assessment of Complaint: COC129415**

Preamble

A complaint had been made by Councillor Vanessa Fiorelli (The Complainant) of Melksham Town Council against Councillor Jon Hubbard (The Subject Member), also of Melksham Town Council.

The allegation was that in a social media and email exchange on 24 May 2020 the Subject Member made personal and harassing attacks on the Complainant which amounted to a breach of the Town Council Code of Conduct. Other allegations included that there had been improper use of council resources and an attempt to gain financial or other material benefits for close associates.

In reaching its decision, the Sub-Committee took into account the original complaint and supporting information, the response of the Subject Member and supporting information, and the report of the Monitoring Officer. The Sub-Committee also considered a verbal statement from the Subject Member given at the meeting, and a written statement from the Complainant, who was not in attendance.

Assessment

In assessing the complaint the Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was and remains a member of Melksham Town Council, and that a copy of the relevant Code of Conduct was provided for the assessment.

The Sub-Committee were satisfied that the content and presentation of the exchanges in the allegations indicated the Subject Member had been acting in their capacity as a member.

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. If the Sub-Committee concluded that the alleged behaviour would amount to a breach, then it would have to go on to decide whether it was appropriate under the assessment criteria to refer the matter for investigation.

Conclusion

The complaint had arisen following a critical post by the Subject Member in response to a comment by the Complainant, and subsequent communications between the two parties, regarding a local matter.

The Sub-Committee noted the high protections afforded to political speech and freedom of expression, and the need to balance these against the impact on the Complainant. It did not consider that the initial comments made as part of a political debate, if proven, could be considered as having risen to the level of a breach. It also did not consider that the subsequent communications between the parties, although causing the Complainant some upset, could be considered, if proven, as having risen to such a level of excessive personal attack that would justify an interference with that right to free political expression.

The Sub-Committee also did not consider the allegations included justification for suggesting a misuse of council resources or an attempt to gain financial benefit. Whilst it perhaps could be updated, an old photo of the Subject Member wearing a chain of office did not make their comments as part of a political debate improper.

The Sub-Committee noted reference to events during the early stages of Covid-19 pandemic and communication between the parties. This element of the complaint was submitted beyond the 20 working days from when the Complainant became aware, or ought reasonably to have become aware, of the matters giving rise to complaint, and the Sub-Committee did not consider that there were exceptional circumstances to investigate the matter. Notwithstanding this, the Sub-Committee did not consider the alleged behaviours, if proven, were capable of rising to the level of a breach of the Code.

Resolved:

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 9 July 2019, which came into effect on 1 January 2020 and after hearing from the Independent Person, the Assessment Sub-Committee determined to take no further action in respect of the complaint.

15 Assessment of Complaint: COC129218

In considering complaint COC129218 the Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the member was and remains a member of the relevant 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 original complaint and supporting information, the response of the Subject Member, and the report of the Monitoring Officer. The Sub-Committee also received a verbal statement from the Complainant. The Subject Member was not in attendance.

After discussion, it was,

Resolved:

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 9 July 2019, which came into effect on 1 January 2020 and after hearing from the Independent Person, the Assessment Sub-Committee determined to refer the complaint for investigation.

16 **Assessment of Complaint: COC129376**

Preamble

A complaint was received from Emily Pomroy-Smith (the Complainant) regarding the conduct of Councillor Antonio Piazza (the Subject Member) of Trowbridge Town Council. It was alleged that the Subject Member had in social media posts made public libellous comments regarding the complainant and had failed to remove the posts and apologise despite being asked to do so and that this breached the Codes of Conduct by failing to promote and support high standards of conduct when serving in his public post, and failing to have regard to the following principles integrity, objectivity, openness and honesty.

Assessment

The Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the member was and remains a member of Trowbridge Town 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. If the Sub-Committee concluded that the alleged behaviour would amount to a breach, then the Sub-Committee would have to go on to decide whether it was appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the original complaint and supporting information, the response of the Subject Member, and the report of the Monitoring Officer. The Sub-Committee also considered a verbal statement from the Complainant given at the meeting. The Subject Member was not in attendance.

Conclusion

The complaint involved a post by the Subject Member regarding the Complainant, including asserting that the Complainant had been responsible for recent posts by political opponents. The Complainant stated the assertion and others were false.

The Sub-Committee noted that the comments of the Subject Member had caused the Complainant a level of upset. However, despite the tone of the comments the Sub-Committee did not consider that the comments had risen to a level of excessive personal attack which would justify an interference with the right to free speech, and as such did not consider the allegations, if proven, would rise to the level of a breach of the Code.

After discussion, it was,

Resolved:

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 9 July 2019, which came into effect on 1 January 2020 and after hearing from the Independent Person, the Assessment Sub-Committee determined to take no further action in respect of the complaint.

17 **Assessment of Complaint: COC129729**

In considering complaint COC129729 the Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the member was and remains a member of the relevant 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 original complaint and supporting information, the response of the Subject Member, and the report of the Monitoring Officer. The Sub-Committee also received a written statement from the Complainant. Neither the Complainant or Subject Member were in attendance.

After discussion, it was,

Resolved:

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 9 July 2019, which came into effect on 1 January 2020 and after hearing from the Independent Person, the

Assessment Sub-Committee determined to refer the complaint for investigation.

(Duration of meeting: 3.00 - 4.35 pm)

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