

Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 21 JANUARY 2021 AT ONLINE MEETING.

Present:

Cllr Ruth Hopkinson (Chairman), Cllr Ernie Clark (Vice-Chairman),
Cllr Fred Westmoreland, Cllr Stuart Wheeler, Mr Richard Baxter (non-voting) and
Mr Michael Lockhart (non-voting)

Also Present:

Peter Gantlett (Complainant COC128184), Tony Drew (Independent Person), Paul
Barnett (Public Law and Compliance), Kieran Elliott (Democratic Services), Lisa
Moore (Democratic Services)

1 **Apologies**

Apologies were received from Councillor Richard Britton.

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 15 December 2020 were presented for
consideration, and it was,

Resolved:

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

3 **Declarations of Interest**

There were no declarations.

4 **Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria for the meeting were noted.

5 **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 Item Numbers 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.

6 Assessment of Complaint: COC128184

Preamble

A complaint was received from Dr Guy Rickett (the Complainant) on 3 March 2020 regarding the conduct of Councillor Peter Gantlett (the Subject Member), a Member of Clyffe Pypard Parish Council.

It was alleged that the Subject Member had breached the code by failing to declare a disclosable pecuniary interest and/or participated in matters relating to that interest; had circulated information in the parish newsletter contrary to processes agreed by the Neighbourhood Plan Steering group, thereby breaching the requirement in the Code for Members to behave in a respectful way; and by his actions as Chairman of the Goddard Arms Steering Group failed in his obligation to use the resources of the council in accordance with its requirements.

Assessment

The complaint had received an initial assessment at the meeting on 23 June 2020 where the Sub-Committee determined to refer the matter for investigation. Following that investigation, the Investigating Officer's report concluded there was no evidence of a breach of the Code of Conduct. In consultation with an Independent Person, the Monitoring Officer had considered the report and determined to recommend to the Sub-Committee that no further action be taken in respect of the complaint.

In reaching its decision, the Sub-Committee took into account the Investigating Officer's report and supporting documentation, which included the original complaint, the response of the subject member, the initial assessment decision, other evidence provided during the investigation, comments on the report itself from both parties, and the decision notice of the Monitoring Officer to take no further action. The Sub-Committee also considered the verbal representations made at the meeting by the Subject Member and a written statement from the Complainant, who was not in attendance.

It was also noted in the report to the Sub-Committee that the Monitoring Officer had amended his decision notice in response to comments received from the Subject Member.

Conclusion

The Sub-Committee accepted the recommendation of the Monitoring Officer in accepting the reasons and conclusions of the Investigating Officer that no breach had occurred, and the process followed as sound.

The Subject Member had accepted he perhaps should have given the matters in question more thought, and it was noted that he had sought advice and taken action in respect of that advice. It was also noted that that Subject Member had added further information regarding field numbers in his register of interest to clarify his land ownership.

It was therefore resolved to take no further action in respect of the complaint as recommended by the Monitoring Officer.

The Sub-Committee was satisfied that there had been a fair and comprehensive investigation into the complaint. However, it did recommend generally that in order to provide opportunity for further clarity it may be beneficial for both parties to be contacted during the course of an investigation, even if matters had been adequately set out in previous written submissions.

Therefore, 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.

7 **Complaint COC127052**

A complaint had been submitted on or around 12 December 2019 by Jon Martin (the Complainant) regarding the conduct of Councillor Ben Hamilton (the Subject Member), a Member of Poulshot Parish Council.

It was alleged that the Subject Member breached the parish council's code of conduct in that he did not declare an interest nor recused himself from a debate regarding a planning application near the Member's property.

Under the procedures in place at the time, the application was referred for investigation by the Monitoring Officer on 20 January 2020. A review of that decision was requested by the Subject Member, and a Review Sub-Committee upheld the referral for investigation on 7 February 2020.

Following receipt of an Investigating Officer's report and comments from the parties, the Monitoring Officer had concluded that *'whilst [the Subject Member] did have a disclosable pecuniary interest in respect of [the property], which he had entered on his register of interests, the actual location of the proposed development in relation to [the Subject Member's] property and the fact that this was likely to be screened to a significant extent would mean that any potential financial impact could be classified as de minimis and not such as to warrant determination at a full hearing'*.

The Monitoring Officer had determined that the matter could be dealt with by way of alternative resolution in accordance with paragraph 6.4 and 7 of Protocol 11 of the Constitution. It was noted that the rules on declaration of interests are not always easy to apply in practice, and as an alternative to a hearing training would be provided by the Monitoring Officer to the Subject Member and any other members of the Parish Council. An Independent Person consulted had agreed this would provide a fair and proportionate outcome to the complaint and serve the public interest by promoting and maintaining high standards of conduct.

In accordance with paragraph 7.2 of Protocol 11, the decision of the Monitoring Officer was reported to the Sub-Committee for information, and it was,

Resolved:

To note the decision of the Monitoring Officer.

(Duration of meeting: 10.00 - 10.30 am)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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