

## Standards Assessment Sub-Committee

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### MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 28 OCTOBER 2021 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Richard Britton, Cllr Ernie Clark (Vice-Chairman), Cllr Ruth Hopkinson (Chairman), Cllr Gordon King and Cllr Derek Walters (Substitute) Gordon Ball (Non-voting), Kathy Barnes (Non-voting).

#### **Also Present:**

Frank Cain (Head of Legal Services), Lisa Alexander (Acting Senior Democratic Services Officer), Tony Drew (Independent Person), Cllr Brent Slater (Subject Member COC136168), Susan Fiddler (Complainant COC136168).

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#### 23 **Apologies**

Apologies were received from Cllr Sam Pearce-Kearney, who was substituted by Cllr Derek Walters.

#### 24 **Minutes of the Previous Meeting**

The minutes of the meeting held on 30 September 2021 were presented for consideration, and it was,

#### **Resolved:**

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

#### 25 **Declarations of Interest**

There were no declarations.

#### 26 **Meeting Procedure and Assessment Criteria**

The meeting procedure was noted.

#### 27 **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 Agenda Item Number 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.**

28 **Assessment of Complaint: COC136168**

Preamble

A complaint was received from Susan Fiddler (Complainant) regarding the conduct of Councillor Brent Slater (the Subject Member) of Calne Town Council.

The Complainant alleged that when the Complainant's son (17 years of age) approached the Subject Member at the Subject Member's home the Subject Member assaulted her son. The matter had been referred to the Police and the Subject Member was given a caution. The Complainant felt that the behaviour was unacceptable for any adult let alone a town Councillor, however had not indicated in which ways she considered the Subject Member had breached the Code of Conduct.

Assessment

In considering complaint COC136168 the Sub-Committee were satisfied that after applying the initial tests of the assessment criteria, that the Subject Member was and remained a member of Calne 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 Subject Member was acting in their public office at the time of the behaviour. The Sub-Committee found that he was acting in a private capacity and therefore, the code of conduct did not apply.

The Sub-Committee further considered whether the behaviour in a private capacity had crossed the threshold to also amount to a breach of the code of conduct.

Conclusion

The Sub-Committee decided that as the behaviour had been referred to the Police, as the appropriate authority and that a caution had been issued, concluded that the matter was outside the remit of the Standards regime.

In reaching its decision, the Sub-Committee took into account the Officer's report and supporting documentation, which included the original complaint and video recording, and the response of the Subject Member. The Sub-Committee

also considered the verbal statements from the Complainant and the Subject Member who 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 take no further action in respect of the complaint.**

29 **Assessment of Complaint: COC136189**

Note: This complaint is connected to complaint COC136190, in that they both relate to the same incident.

**Preamble**

A complaint was received from Susan Robinson, (the Complainant), regarding the conduct of Councillor Phil Matthews (the Subject Member), of Wiltshire Town Council.

The Complainant alleged that at a Town Council meeting on 7 September 2021 the Subject Member (who is also the Mayor of the Town Council) shouted at a member of the public and ordered them to leave the meeting when the member of the public was asking a question of the Council in respect of a £200,000.00 contract that was soon to be awarded by the Council.

The Complainant considered that the Subject member by his actions and manner was very aggressive and bullying in his manner, but did not indicate which provisions of the code she considered the Subject Member had breached.

**Assessment**

In considering complaint COC136189 the Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was a member for the period of allegations and remains a member of Wilton Town Council, that a copy of the relevant Code of Conduct was provided for the assessment, and that the Subject Member was acting in their capacity as a Member during the various alleged actions.

The Sub-Committee further considered whether the alleged behaviour would, if proven, amount to a breach of the Code of Conduct and if so, what action would be required.

The Sub-Committee decided that as the behaviour of the Subject Member, whilst not commendable, came about following a continued disturbance, caused by a member of the public, when they refused to abide by the requests of the Subject Member to be seated and to stop talking, in turn caused the Subject member to be concerned about a loss of control over the proceedings. The Sub-Committee felt that whilst improvements could be made in respect of the Chairing skills of the Subject Member, the behaviour did not amount to a breach.

### Conclusion

The Sub-Committee, on balance, and after considering all the information provided, was not persuaded that the specific alleged actions as part of the more complex dispute, would, if proven, rise to a level of a breach of the Code of Conduct. Moreover, even were it the case that they did, it was not persuaded that it was in the public interest for the matter to be investigated under the standards regime, noting the broader issues with regards to the dispute between present and past council members.

In reaching its decision, the Sub-Committee took into account the Officer's report and supporting documentation, which included the original complaint and video recording, and the response of the Subject Member. The Sub-Committee also considered the written statements from the Complainant and the Subject Member who were 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 to the Monitoring Officer for alternative resolution.**

## 30 Assessment of complaint COC136190

Note: This complaint is connected to complaint COC136189, in that they both relate to the same incident.

### Preamble

A complaint was received from Paula Johnston, (the Complainant), regarding the conduct of Councillor Phil Matthews (the Subject Member), of Wiltshire Town Council.

The Complainant alleged that at a Town Council meeting on 7 September 2021 the Subject Member (who is also the Mayor of the Town Council) shouted at the Complainant when she tried to speak and became angry and aggressive, got to

his feet and shouted directly at her, asking her to be quiet and then to leave the council chamber and the meeting.

The Complainant considered that the Subject Member failed to act with integrity, did not treat the Complainant fairly and with respect and did not lead by example. She also says that The Subject member breached the Council's Code of Conduct by: -

- a) He did not treat the Complainant with respect and attacked the Complainant personally by shouting and behaving in an aggressive manner towards her. (Breach of 1, 1.1 Wilton Town Council Code of Conduct)
- b) He bullied the Complainant by shouting at her and telling her to leave the council chamber and the meeting (Breach of 2, 2.1 Wilton Town Council Code of Conduct).
- c) He brought the role of Mayor, Town Councillor and Wilton Town Council into disrepute (Breach of 5, 5.1 Wilton Town Council Code of Conduct).

### Assessment

In considering complaint COC136189 the Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was a member for the period of allegations and remains a member of Wilton Town Council, that a copy of the relevant Code of Conduct was provided for the assessment, and that the Subject Member was acting in their capacity as a Member during the various alleged actions.

The Sub-Committee further considered whether the alleged behaviour would, if proven, amount to a breach of the Code of Conduct and if so, what action would be required.

The Sub-Committee considered the background to and the detail of the allegations in relation to the actions involving the Subject Member, and the Complainant, in respect of the Town council meeting on 7 September 2021, and concluded that it was connected to a possible historic division of town council members, both current and previous, possibly over several years. It noted that the Complainant had held a seat on the Town council until the election in May 2021 and was a regular attendee and public speaker at many of the Wilton Town Council meetings.

The Sub-Committee decided that the behaviour of the Subject Member, whilst not commendable, came about following a continued disturbance, caused by the Complainant, when they refused to abide by the requests of the Subject Member to be seated and to stop talking, which in turn caused the Subject member to be concerned about a loss of control over the proceedings. The Sub-Committee felt that whilst improvements could be made in respect of the

Chairing skills of the Subject Member, the behaviour did not amount to a breach.

### Conclusion

The Sub-Committee, on balance, and after considering all the information provided, was not persuaded that the specific alleged actions as part of the more complex dispute, would, if proven, rise to a level of a breach of the Code of Conduct. Moreover, even were it the case that they did, it was not persuaded that it was in the public interest for the matter to be investigated under the standards regime, noting the broader issues with regards to the dispute between present and past council members.

In reaching its decision, the Sub-Committee took into account the Officer's report and supporting documentation, which included the original complaint and video recording, and the response of the Subject Member. The Sub-Committee also considered the written statements from the Complainant and the Subject Member who were 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 to the Monitoring Officer for alternative resolution.**

(Duration of meeting: 10:30 – 11:40am)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail [lisa.alexander@wiltshire.gov.uk](mailto:lisa.alexander@wiltshire.gov.uk)

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