

Standards Assessment Sub-Committee

**MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING
HELD ON 16 JANUARY 2023 AT WEST WILTSHIRE ROOM - COUNTY HALL,
BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

Present:

Cllr Ruth Hopkinson (Chairman), Cllr Ernie Clark (Vice-Chairman),
Cllr Richard Britton, Cllr Gordon King and Cllr Derek Walters (Substitute)

Present Virtually:

Kathy Barnes (non-voting), Joanne Cetti (non-voting)

Also Present:

Tony Drew (Independent Person), Pat Bunche (Independent Person)(virtually),
Henry Powell (Democracy and Complaints Manager), Perry Holmes (Monitoring
Officer), Jo Madeley (Head of Legal Services-Deputy Monitoring Officer), Maria
Doherty (Head of Democracy, Governance and Customer Services - Deputy
Monitoring Officer)(Virtually), Lisa Alexander (Senior Democratic Services Officer),

Present to deliver verbal statements only:

Louise Morris (on behalf of Complainant COC142985)
John Hughes (Subject Member COC142984)

87 **Apologies**

Apologies were received from :

- Cllr Sam Pearce-Kearney – who was substituted by Cllr Derek Walters

88 **Minutes of the Previous Meeting**

The minutes of the meeting held on 15 December 2022 were presented for
consideration, and it was,

Resolved:

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

89 **Declarations of Interest**

There were no declarations.

90 **Meeting Procedure and Assessment Criteria**

The procedure and criteria were noted.

91 **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 Numbers 53 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

92 **Assessment of Complaint: COC142985**

Preamble

A complaint was submitted by Mr Luke Woods, the Complainant, regarding the conduct of Councillor Vanessa Sturmey, the Subject Member, of Heytesbury Imber and Knook parish council.

The complaint was submitted as two elements:

1. It was alleged that the Subject Member bullied and threatened the Complainant and made unlawful demands and threats in her position as Chairman of the Parish Council and relates to an email sent by the Subject Member to the Complainant, signed in her position as Chairman of the Council.
2. It was also alleged that, in relation to potential planning developments, the Subject Member acted in "contempt of the public on 14 different counts". Most of these allegations refer to a meeting of the Council held on 22 November 2022.

The Complainant did not specify which sections of the Code he believed to have been breached.

Discussion

The Sub-Committee was satisfied the initial tests of the assessment criteria had been met, in that the Subject Member was and remained a member of Heytesbury Imber and Knook Parish 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 the 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.

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, which was read by a representative at the meeting, as he was not in attendance, and a written statement from the Subject Member, who was also not in attendance.

The first element of the complaint concerned an email sent by the Subject Member, signed in her position as Chairman of the Council, directing the Complainant to send all further communications on the matter to the Clerk. It was alleged that the Subject Member used her position as Chairman of the Parish Council to bully and threaten the Complainant and his family, making unlawful demands and threats about a private matter.

The second element of the complaint concerned the actions of the Subject Member, in their capacity as Chairman of the Parish Council at a Council Meeting held in June 2022. It was alleged that the Subject Member refused to allow a discussion under public participation on resident's survey results, shouted down the Complainant, passed a resolution to have the Complainant silenced, did not listen to other members when they spoke and did not respond when questioned on the level of content which would be included in the minutes of that meeting. Further allegations included that the Subject Member refused to discuss matters not included on the agenda.

The Subject Member contended that she had sent the email to the Complainant after seeking advice from Wiltshire Police, in relation to harassment received from the Complainant since June 2022. The Subject Member did not consider her email to be threatening or intimidating and felt that it provided an opportunity for the Complainant to put things right.

The Subject Member suggested that the Complainant's behaviour at meetings and in emails, had been hostile, disruptive and disrespectful to Councillors and that the Complainant had also made defamatory comments about her online and made enquiries to third parties about her living arrangements.

In relation to the Parish Council meeting in June 2022, the Subject Member confirmed that the Council did resolve that the Complainant should be silent for the remainder of the meeting, as his behaviour had become disrespectful and disruptive. The Subject Member further denied laughing, sneering or dismissing the public or making plans to go for a drink after the meeting as alleged by the Complainant.

The Subject Member confirmed that she believed that her actions at the meeting were in line with the rules for Public Participation, as set out in the Council's Standing Orders.

The Subject Member also stated that the Clerk had followed advice from Wiltshire Association of Local Councils (WALC) regarding the content for the Minutes and that the Subject Member found it necessary to raise her voice to be heard, following the interruption by the Complainant and two further interruptions from other attendees at the meeting, as she believed was permitted within the Council's Standing Orders.

Conclusion

The dispute between the parties had arisen due to a long-standing division of opinion within the community and between members of the Parish Council with regards to a planning application for a local housing development, on land which appeared to be close to the Complainant's home. The dispute had over time led to strong feelings being expressed by members of the community during Parish Council meetings.

The email sent by the Subject Member to the Complainant was in response to allegations made by the Complainant on social media, in relation to her residential status, which it was alleged was connected to her role as a Parish Councillor. The Sub Committee noted that as the accusations were tied to her Parish Council role, it was reasonable to have responded from the Parish Council email address and sign off as Chairman of the Parish Council. However, to ensure a clear division between Parish Council business and personal matters, it advised members to consider the appropriate email address to use carefully and to respond to communications not strictly relating to Council business from a personal email account and signature.

The Sub Committee noted that planning matters within small communities could lead to a division of opinion and become highly emotive for those impacted, however, it was highlighted that the Parish Council was a Statutory Consultee in the planning process, and not the Planning Authority or decision maker.

The Sub-Committee noted the audio recordings taken at the Parish Council meeting captured a number of verbal interruptions from attendees at the meeting, which included comments of a disrespectful nature, directed at the councillors. It was considered that this level of disruption would have created a toxic atmosphere which would need to be brought under control by the Chairman.

In regard to the Subject Member raising her voice, the Sub-Committee felt that that the Subject Member's actions in managing the disruption at the meeting were in line with the Council's Standing Orders, were necessary for the efficient conduct of Council business and should therefore be commended.

The Sub Committee found no evidence to suggest that the allegations if proven would represent a breach of the Code of Conduct by the Subject Member.

It was therefore,

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.

Advisory

To ensure a clear division between Parish Council business and personal matters, the Sub-Committee advised members to consider the appropriate email address to use carefully and to respond to communications not strictly relating to Council business from a personal email account and signature.

93 **Assessment of Complaint: COC142984**

Preamble

A complaint was submitted by Councillor Chris Rickett, the Complainant, regarding the conduct of Councillor John Hughes, the Subject Member, both members of Clyffe Pypard Parish Council.

The complaint related to allegations of bullying and harassment, over a prolonged period of time, which include actions and behaviour of the Subject Member at a Council meeting held on 27 October 2022 and other incidents where the Subject Member is said to have objected to minutes of previous meetings, challenged payments to the previous clerk, failed to countersign cheques, obstructed the recruitment of a new clerk and shared inaccurate information about the Complainant.

The Complainant believed that, through these actions, the Subject Member had breached the following sections of the Code:

- He/she shall behave in such a way that a reasonable person would regard as respectful.
- He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- He/she shall use the resources of the Council in accordance with its requirements;
- The Nolan Principles of integrity and accountability.

Discussion

The Sub-Committee was satisfied the initial tests of the assessment criteria had been met, in that the Subject Member was and remained a member of Clyffe Pypard Parish 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 the 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.

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

The Complainant alleged that in their actions the Subject Member had undermined the reputation of the Council and as part of a longstanding pattern of behaviour represented bullying of her as the Chairman.

The Complainant also raised that the Subject Member failed to share information regarding parish council matters, despite being asked to do so for a period of six months.

The Subject Member refuted all of the allegations and contended that there had not been a pattern of behaviour or an attempt to undermine the Council, as alleged.

The Subject Member alleged that it was the Complainant who had subjected other Councillors and community members to unpleasant belittling and disrespectful behaviour over the past 18 months.

The Subject Member felt that he had always acted appropriately in his role as Parish Councillor and that no evidence had been provided by the Complainant to substantiate the allegations against him. Furthermore, the Subject Member stated that he had never engaged in controlling, disrespectful, misogynistic or bullying behaviour whilst serving on the Council.

The Subject Member also alleged that the Complainant chose to make an executive decision without an approved mandate from the Council and that requests for information from him were made at short notice, just one day prior to a council meeting. In addition, it was his duty to highlight issues such as the lateness of draft minutes and to withhold his signature on payments for reasons of accountability, in order to protect the Council.

Conclusion

The Sub-Committee noted that the dispute between the parties appeared to have arisen due to ongoing clashes over a period of time, which had brought about a division between the Council members.

In relation to the failure to sign off cheques, the Sub Committee noted that the Council had only two signatories.

The Sub Committee noted that there was a high level of frustration felt by the Subject Member in the way in which the Council was functioning, with

processes and deadlines not being followed or maintained, poor communication and queries to address such issues not being considered appropriately. As such, the Sub Committee did not find evidence of behaviour towards the Complainant that could be considered bullying, harassment or misogynistic.

The Sub Committee further noted the refusal to the offer of help from members and officers of Wiltshire Council to provide the Council with guidance and mediation to help address some of the issues which had arisen over a period of time.

The Sub-Committee felt that there were several opportunities which had been missed to resolve or improve the operational and communication issues at the Council, which should be investigated and acted upon, in order to facilitate a fully functioning Parish Council moving forward.

The Sub Committee therefore, resolved to take no further action in respect of the complaint.

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.

Advisory

The Sub Committee suggested that additional signatories to the Parish Council bank account were appointed to enable the efficient transaction of Parish Council financial business.

The Sub Committee suggested that steps were taken (if they had not already been taken) to appoint a Parish Clerk to promote the proper administration of the Parish Council, having carefully reviewed the requirements of the role and the number of hours required.

The Sub Committee suggested that steps were taken to ensure that in the future, Minutes were published within a reasonably short time after meetings were held and that Parish Council correspondence was answered in a timely manner.

The Sub Committee noted that the Monitoring Officer of Wiltshire Council intended to repeat his offer to attend a meeting with members of the Council to discuss the longstanding difficulties outlined above and with a view to members agreeing a positive way forward. The Sub Committee suggested that all members of the Council take up this offer and approach the meeting with a

focus on that objective, as well as a commitment in advance of any meeting to working towards all signing the [Positive Conduct, Positive Democracy Charter](#).

94 **Assessment of Complaint: COC142986**

Preamble

A complaint was submitted by Councillor Chris Rickett, the Complainant, regarding the conduct of Councillor David Gagen, the Subject Member, both members of Clyffe Pypard Parish Council.

The complaint involved allegations of bullying and harassment, over a prolonged period of time, which include actions and behaviour of the Subject Member at a Council meeting held on 27 October 2022 and other incidents where the Subject Member is said to have objected to minutes of previous meetings, challenged payments to the previous clerk, publicly jeered at the Complainant as she left a meeting, emailed inaccurate information pertaining to the Complainant's role in the circulation of minutes and that the Subject Member accused the Complainant of not sharing with other Members, information relating to agenda items.

The Complainant believed that, through these actions, the Subject Member had breached the following sections of the Code:

- He/she shall behave in such a way that a reasonable person would regard as respectful.
- He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- The Nolan Principles of integrity and accountability.

Discussion

The Sub-Committee was satisfied the initial tests of the assessment criteria had been met, in that the Subject Member was and remains a member of Clyffe Pypard Parish 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 the 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.

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

The Complainant alleged that through these actions the Subject Member had undermined the reputation of the Council and as part of a longstanding pattern of behaviour represented bullying of her as the Chairman.

The Subject Member refuted all of the allegations and contends that the complaint was not genuine and that it was the Complainant and her husband (also a member of the Parish Council) that were the main bullies on the Parish Council and that any distress felt by the Complainant was due to her bullying tactics failing and that other members on the Parish Council were holding the Complainant (in her role as Chairman) to account.

The Subject Member raised the absence of any evidence to the allegations made by the Complainant and stated that the Complainant's representation of events at the meeting on 27 October was not honest.

The Subject Member contended that his comment at the meeting was 'well done, Chris' and was directed at another member of that name and not the Complainant.

The Subject Member confirmed that he did email the former clerk to enquire on the availability of the minutes for a previous meeting, however, receiving no reply, he felt it reasonable to raise the matter with the Chairman.

The Subject Member felt that he had always acted appropriately in his role as Parish Councillor and that he had never been accused of misogyny or laziness in his entire life before these allegations. He further suggested that it was the Complainant that had breached the Nolan Principle of integrity, through her actions.

The Subject Member also stated that enquiries he made in relation to the publication of the agenda in line with legislation was done so in the interest of protecting the Parish Council against making any unlawful decisions.

The Subject Member felt that it was his duty to ask questions and hold the Council to account, in order to protect the Council.

Conclusion

The Sub-Committee noted that the dispute between the parties appeared to have arisen due to ongoing clashes over a period of time, which had brought about a division between the Council members.

The Sub Committee noted that there was a high level of frustration felt by the Subject Member in the way in which the Council was functioning, with processes and deadlines not being followed or maintained, poor communication and queries to address such issues not being considered appropriately. As such, the Sub Committee did not find evidence of behaviour towards the Complainant that could be considered bullying, harassment or misogynistic

The Sub Committee further noted the refusal to the offer of help from members and officers of Wiltshire Council to provide the Council with guidance and

mediation to help address some of the issues which had arisen over a period of time.

The Sub-Committee felt that there were several opportunities which had been missed to resolve or improve the operational and communication issues at the Council, which should be reviewed, in order to facilitate a fully functioning Parish Council moving forward.

The Sub Committee therefore, resolved to take no further action in respect of the complaint.

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.

Advisory

The Sub Committee suggested that additional signatories to the Parish Council bank account were appointed to enable the efficient transaction of Parish Council financial business.

The Sub Committee suggested that steps were taken (if they had not already been taken) to appoint a Parish Clerk to promote the proper administration of the Parish Council, having carefully reviewed the requirements of the role and the number of hours required.

The Sub Committee suggested that steps were taken to ensure that in the future, Minutes were published within a reasonably short time after meetings were held and that Parish Council correspondence was answered in a timely manner.

The Sub Committee noted that the Monitoring Officer of Wiltshire Council intended to repeat his offer to attend a meeting with members of the Council to discuss the longstanding difficulties outlined above and with a view to members agreeing a positive way forward. The Sub Committee suggested that all members of the Council take up this offer and approach the meeting with a focus on that objective, as well as a commitment in advance of any meeting to working towards all signing the [Positive Conduct, Positive Democracy Charter](#).

(Duration of meeting: 12.00 - 1.50 pm)

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

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