

AGENDA

Meeting: Standards Review Sub-Committee
Place: Salisbury Room - County Hall, Trowbridge
Date: Wednesday 17 December 2014
Time: 2.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott (Senior Democratic Services Officer), of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN, 01225 718504, kieran.elliott@wiltshire.gov.uk.

Membership:

Cllr Glenis Ansell
Cllr Ernie Clark

Cllr Julian Johnson

AGENDA

1 **Election of Chairman**

To elect a Chairman for this meeting only.

2 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

3 **Exclusion of the Public**

To consider passing the following resolution:

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 Item Number 4 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

4 **Review of Assessment Decisions: Reference WC-ENQ49, WC-ENQ56 and WC-ENQ57**

4a **WC-ENQ49** (Pages 1 - 2)

Appendix A - Complaint (Pages 3 - 12)

Appendix B - Subject Member Response (Pages 13 - 16)

Appendix C - Initial Assessment (Pages 17 - 24)

Appendix D - Request for Review (Pages 25 - 30)

4b **WC-ENQ56** (Pages 31 - 32)

Appendix A - Complaint (Pages 33 - 38)

Appendix B - Subject Member Response (Pages 39 - 40)

Appendix C - Initial Assessment (Pages 41 - 48)

Appendix D1 - Request for Review (Pages 49 - 52)

Appendix D2 - Additional Information 1 (Pages 53 - 54)

Appendix D3 - Additional Information 2 (Pages 55 - 56)

4c **WC-ENQ57** (*Pages 57 - 58*)

Appendix A - Complaint (*Pages 59 - 64*)

Appendix B - Subject Member Response (*Pages 65 - 66*)

Appendix C - Initial Assessment (*Pages 67 - 74*)

Appendix D - Request for Review (*Pages 75 - 78*)

Assessment Criteria (*Pages 79 - 82*)

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STANDARDS COMPLAINTS ASSESSMENT CRITERIA

The Monitoring Officer will adopt the approach and apply the criteria set out below in the assessment of complaints under locally adopted Codes of Conduct for Members.

The Review Committee will use the same approach and criteria.

Relevance

1. It is likely that complaints will be received which do not relate to local codes of conduct for members. These might include complaints relating to the provision of services by local councils; matters relating to the local council as a corporate body; or matters which should be dealt with under a council's complaints procedure. They may be matters relating to council employees, other authorities or matters relating to a member's private life which do not fall within the remit of the Standards Committee. The Monitoring Officer will advise the complainant in such matters that they cannot proceed under local codes of conduct, but that the complainant should contact the relevant council in order to bring a complaint under the appropriate complaints procedure.

Alternative resolution

2. The Monitoring Officer will always consider whether an alternative means of resolving the complaint would be appropriate.

Initial Tests

3. Before the assessment of a complaint begins, the Monitoring Officer should be satisfied that:
 - a) The complaint is about the conduct of a member of a council within the area of Wiltshire Council;
 - b) That the member was a member at the time of the incident giving rise to the complaint;
 - c) That the member remains a member of the relevant council at the time of the complaint;
 - d) That the complainant has provided a copy of the Code of Conduct of the relevant council;
 - e) That the matters giving rise to the complaint would, if proven, be capable of breaching that Code.

If the complaint fails one or more of these tests it cannot be investigated and no further action will be taken.

Sufficiency of information

4. The complainant must provide sufficient information to enable the subject member and those responsible for assessing the complaint to understand the substance of the complaint. If insufficient information is provided, the Monitoring Officer will not normally proceed with assessment of the complaint.

If the complaint meets the criteria set out in 3. a-e above, and the complainant has provided sufficient information to enable the issues complained of to be understood, the Monitoring Officer will send a copy of the complaint to the subject member and ask for the subject member's comments. When these have been received, the Monitoring Person will assess the complaint, after consulting the Independent Person.

Seriousness of the Complaint

5. A complaint will not be referred for investigation if, on the available information, it appears to be trivial, vexatious, malicious, politically motivated or 'tit for tat'.

A complaint will not normally be referred for investigation if the subject member has offered an apology, a reasonable explanation of the issues, or if the Monitoring Officer takes the view that the complaint can reasonably be addressed by other means.

Bearing in mind the public interest in the efficient use of resources, referral for investigation is generally reserved for serious complaints where alternative options for resolution are not considered by the Monitoring Officer to be appropriate.

Length of Time Elapsed

6. A complaint will not be referred for investigation when it is made more than 20 working days from the date upon which the complainant became aware of the matter giving rise to the complaint.

Anonymous Complaints

Anonymous complaints will not be considered unless the Monitoring Officer is satisfied that there would otherwise be a serious risk to the complainant's personal safety, in which case the Monitoring Officer will decide how the

complaint should be taken forward.

Multiple Complaints

7. A single event may give rise to similar complaints from a number of complainants. Where possible these complaints will be considered by the Monitoring Officer at the same time. Each complaint will, however, be considered separately. If an investigation is deemed to be appropriate the Monitoring Officer may determine that, in the interests of efficiency, only one complaint should go forward for investigation, with the other complainants being treated as potential witnesses in that investigation.

Confidentiality

8. All information regarding the complaint will remain confidential until determined otherwise by the Monitoring Officer or Hearing Sub-Committee.

Withdrawing Complaints

9. A complainant may ask to withdraw their complaint before it has been assessed. In deciding whether to agree the request the Monitoring Officer will consider:
 - (a) the complainant's reasons for withdrawal;
 - (b) whether the public interest in taking some action on the complaint outweighs the complainant's wish to withdraw it;
 - (c) whether action, such as an investigation, may be taken without the complainant's participation.

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