

DECISION NOTICE: COMPLAINT DISMISSED

Reference WC-ENQ00065

Subject Member

Councillor Anthony Trotman, Wiltshire Council

Complainant

Mr Robert Reed

Review Sub-Committee

Cllr Trevor Carbin - Chairman

Cllr Horace Prickett

Cllr George Jeans

Deputy Monitoring Officer

Mr Frank Cain

Independent Person

Mr Colin Malcolm

Complaint

Mr Reed alleges that Councillor Trotman permitted an incorrect version of the minutes of the 17th September 2014 meeting of the Northern Area Planning Committee to be signed at the meeting of the Northern Area Planning Committee that took place on 8th October 2014.

Mr Reed considers that this breaches Paragraph 5 of the Code of Conduct for members.

Decision

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 26 June 2012, which came into effect on 1 July 2012 and after hearing from the Independent Person, the Review Sub-Committee of the Standards Committee has decided:

- To dismiss the complaint.

Reasons for Decision

The Chairman led the Sub-Committee through the local assessment criteria which detailed the initial tests that should be satisfied before assessment of a complaint was commenced.

Upon going through the initial tests, it was agreed that the complaint related to the conduct of a member, that the member was in office at the time of the alleged incident and that the Code was in force at the relevant time.

The Sub-Committee upheld the reasoning of the Deputy Monitoring Officer in the Initial Assessment that the minutes were considered and approved as a correct record by the Committee, with the Chairman's signing of them formal confirmation of that fact. They also accepted that the conduct of meetings and arrangements for recording decisions were procedural matters which do not fall for determination as Code of Conduct complaints.

The Review Sub-Committee considered each allegation in turn as follows, in the context of the officer report, subject member response, and the complainant's request for a review and the additional information submitted.

Alleged Breach 1

The Review Sub-Committee accepted the reasoning of the Deputy Monitoring Officer as detailed above that the conduct for meetings and arrangements for recording of decisions are procedural matters not capable, if proven, of breaching the Code of Conduct. Any procedural errors that may affect the substantive decision would be challengeable via judicial review.

The Review Sub-Committee further noted that while Paragraph 135 (formerly Paragraph 134) of Part 4 of the Constitution states "*Minutes will contain all motions and amendments in the exact form and order the Chairman put them*", Article 1 of Part 2 of the Constitution makes clear that the Constitution is to be interpreted to '*enable decisions to be taken efficiently and effectively*'. As the amendments proposed merely corrected a typographic or notational error which did not alter the substantive purpose of a motion or decision of a Committee, then a purposive rather than strict interpretation would apply in such circumstances.

Alleged Breaches 2 and 3

The Review Sub-Committee noted that Mr Reed had received an opportunity at the meeting to communicate to the Committee his view that the proposed changes to the minutes were inaccurate or otherwise not in accordance with the constitution, and that none of the eleven members of the Committee decided to comment upon that communication further.

It was noted that an explanation was made by the subject member when proposing the alteration to the minutes and opportunity was given to members of the public, taken up by Mr Reed, to challenge the proposed alteration. Members of the Committee then had the opportunity to comment, even if they did not choose to do so, before a vote was taken to confirm the view of the meeting, and therefore the decision was made openly and with explanation.

There was also no evidence presented to the Sub-Committee to substantiate Mr Reed's allegation in his request for a review of the Initial Assessment that the Committee had been 'primed beforehand to keep quiet'. Therefore there is no suggestion the

Committee's acceptance of the minutes and the signing of them as a correct record by the subject member as Chairman of the meeting was a breach of procedure. The Committee members had the opportunity but not the obligation to respond to the complainant's comments further, and chose not to do so.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.