

## STANDARDS REVIEW SUB-COMMITTEE

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**DRAFT MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING  
HELD ON 16 JANUARY 2015 AT COUNCIL CHAMBER - COUNTY HALL,  
TROWBRIDGE BA14 8JN.**

**Present:**

Cllr Trevor Carbin, Cllr George Jeans and Cllr Horace Prickett

**Also Present:**

Mr Colin Malcolm

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**1 Election of Chairman**

**Resolved:**

**To elect Councillor Trevor Carbin as Chairman for this meeting only.**

**2 Declarations of Interest**

There were no declarations.

**3 Exclusion of the Public**

**Resolved:**

**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 an Assessment Decision: WC-ENQ065**

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.

(Duration of meeting: 1.00 - 1.30 pm)

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