

## STANDARDS REVIEW SUB-COMMITTEE

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**MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 21 NOVEMBER 2016 AT THE NORTH WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.**

**Present:**

Cllr Ernie Clark, Cllr Howard Greenman and Cllr Ian Thorn

**Also Present:**

Paul Taylor (Senior Solicitor), Kieran Elliott (Senior Democratic Services Officer), Edmund Blick (Democratic Services Officer), Becky Holloway (Democratic Services Officer) and Caroline Baynes, (Independent Person)

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31 **Election of Chairman**

**Resolved**

**To elect Councillor Howard Greenman as Chairman for this meeting only.**

32 **Declarations of Interest**

There were no declarations.

33 **Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria were noted.

34 **Exclusion of the Public**

**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 Minutes No.35-36 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*

**Review of an Assessment Decision: Reference WC-ENQ00161**

The Sub-Committee considered a complaint against Councillor Mike Hewitt of Wiltshire Council. It was alleged he had breached the Code of Conduct as a result of his behaviour at a meeting of Winterbourne Parish Council held on 15 June 2012.

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 and that the member was in office at the time of the alleged incidents and remains a member of Wiltshire Council. A copy of the appropriate Code of Conduct was also supplied for the assessment. The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. Further, if it was felt it would be a breach, was it appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint, the response of the subject member, the initial assessment of the Deputy Monitoring Officer to take no further action and the complainant's request for a review. The Sub-Committee also considered the verbal representation made at the Review by the subject member.

The allegation was that the subject member had breached paragraphs 1 (did not act solely in the public interest and conferred a disadvantage on the complainant), 4 (failed to be accountable for his decisions or failed to co-operate with whatever scrutiny was suitable for his office) and 5 (failed to be as open as possible by his decisions or actions) of the Code of Conduct by behaving in a rude or hostile manner while attending the Parish Council meeting. Taking into the evidence as detailed above, while they Sub-Committee felt the situation could have been better handled, they noted the subject member had offered several apologies for the manner of his intervention both in writing and in person to the complainant.

The Sub-Committee therefore agreed with the reasoning of the Deputy Monitoring Officer in the Initial Assessment that even if the alleged actions could, if proven, be a breach of the Code of Conduct, as detailed in paragraph 5 of the local assessment criteria it should not be referred for investigation as both an apology and a reasonable explanation of the issues had been offered to the complainant and Sub-Committee.

**Resolved:**

**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 decided that no further action will be taken in respect of this complaint.**

36 **Review of an Assessment Decision: Reference WC-ENQ00170**

The Sub-Committee considered a complaint against Councillor Philip Whitehead of Wiltshire Council. It was alleged he had, in his position as Cabinet Member for Highways and Transport, failed to deal adequately, fairly or responsibly with an application by Marlborough Arts Association for street closures, had predetermined his position and paid insufficient regard to evidence and consultation processes, and through these actions breached the Code of Conduct.

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 and that the member was in office at the time of the alleged incidents and remains a member of Wiltshire Council. A copy of the appropriate Code of Conduct was also supplied for the assessment. The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. Further, if it was felt they would be a breach, was it appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision The Sub-Committee took into account the complaint and the response of the subject member together with the initial assessment of the Deputy Monitoring Officer to take no further action. They noted in particular the conclusions of the Deputy Monitoring officer that much of the complaint related to the merits of the Executive decision, which had been taken by a different member of the Executive, and his finding that the behaviour of the subject member in discussing and assessing the issues prior to that decision had not been capable of breaching the Code.

The Sub-Committee also took into account the additional information supplied in the complainant's request for a review and the verbal representation made at the Review by the subject member.

Considering all the evidence that had been submitted by the parties, the Sub-Committee was in agreement with the reasoning of the Deputy Monitoring Officer that none of the allegations would, if proven, amount to a breach of the Code of Conduct.

**Resolved:**

**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 decided that no further action will be taken in respect of this complaint.**

(Duration of meeting: 11.30 am - 12.30 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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