

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 15 FEBRUARY 2018 AT THE WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Peter Hutton, Cllr Anna Cuthbert and Cllr Graham Wright

Also Present:

Kieran Elliott (Senior Democratic Services Officer), Paul Taylor (Senior Solicitor), Stuart Middleton (Independent Person), Jasper Selwyn (Complainant)

11 Election of Chairman

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

12 Declarations of Interest

There were no declarations.

13 Meeting Procedure and Assessment Criteria

The procedure and assessment criteria for the meeting were noted.

14 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 Minute 15 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

15 Review of an Assessment Decision: Reference WC-ENQ00231

Preamble

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. The complaint related to alleged conduct of Cllr Horace Prickett, of Wiltshire Council.

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 the alleged incident and remains a member of Wiltshire Council. A copy of the relevant Code of Conduct was 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 still appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint and supporting documentation, 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 complainant. The subject member was not in attendance.

Conclusion

The complaint related to a series of requests for information from the Subject Member in their capacity as Portfolio Holder for Transport. The complainant considered that the failure to respond to these requests amounted to a breach of the Code.

The Deputy Monitoring Officer in his assessment had noted that paragraphs 4 and 5 of the Code relate specifically to decisions taken by subject members, and therefore did not apply in the alleged circumstances. However, the Sub-Committee considered that the question before them was whether a failure to respond to requests for information was, in addition to obvious discourtesy, of such a level as to amount to a breach of the requirements under the Code to promote and maintain high standards of conduct and abide by the Nolan Principles of conduct in public life.

The Sub-Committee agreed with the reasoning of the Deputy Monitoring Officer that a failure to respond as alleged was a matter of disrespect and additionally that it would be disappointing behaviour for any elected member. Nevertheless, they did not consider that a failure to respond, however discourteous, was in

itself capable of being sufficiently serious as to constitute a breach of the Code. They therefore resolved that no further action be taken in respect of the complaint.

The Sub-Committee did note, however, that it appeared the complainant had still not been furnished with the information he had been seeking, and considered that the matter should be referred to the appropriate officers who would respond accordingly.

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 has decided to take no further action.

(Duration of meeting: 10.00 - 10.25 am)

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

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