

## Standards Assessment Sub-Committee

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### MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 21 OCTOBER 2020 AT ONLINE MEETING.

#### **Present:**

Cllr Ernie Clark (Vice-Chairman, in the Chair), Cllr Richard Britton, Cllr Fred Westmoreland, Cllr Stuart Wheeler, Cllr Gordon King (Substitute), Mr Philip Gill MBE (non-voting) and Mr Michael Lockhart (non-voting)

#### **Also Present:**

Caroline Baynes (Independent Person), David Cavill (Complainant COC130370), Diana King (Complainant COC130489), Paul Barnett (Acting Team Leader for Public Law and Compliance), Kieran Elliott (Senior Democratic Services Officer), Tamara Thomas (Governance Support Officer)

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#### 29 **Apologies**

Apologies were received from Councillor Ruth Hopkinson, who was substituted by Councillor Gordon King.

Councillor Ernie Clark was in the Chair for the meeting.

#### 30 **Minutes of the Previous Meeting**

The minutes of the meeting held on 16 September 2020 were presented for consideration, and it was,

#### **Resolved:**

**To approve and sign the minutes as a true and accurate record.**

#### 31 **Declarations of Interest**

There were no declarations.

#### 32 **Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria for the meeting were noted.

#### 33 **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 Numbers 34 onwards, 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***

34 **Assessment of Complaint: COC130370**

Preamble

A complaint was received from Councillor David Cavill (The Complainant), Trowbridge Town Council, regarding the conduct of Councillor Antonio Piazza (The Subject Member), also of Trowbridge Town Council. It was alleged that the Subject Member had breached the Code of Conduct through a series of comments which were not mutually supportive of other members and officers and failed to restrict criticism of officers to private communications. It was alleged the pattern of behaviour was contrary to the requirements of the Town Code of Conduct.

The complaint was considered alongside Complaint COC130489, which involved the same Subject Member and alleged facts.

Assessment

The Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was and remains a member of Trowbridge Town Council, and that a copy of the relevant Code of Conduct was provided for the assessment.

The Sub-Committee were satisfied that the nature of the discussions of council business in various mediums was such that the Subject Member was acting in their capacity as a Member.

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. If the Sub-Committee concluded that the alleged behaviour would amount to a breach, then it would have to go on to decide whether it was appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the original complaint and supporting information, and the report of the Monitoring Officer.

The Sub-Committee also considered a verbal statement from the Complainant provided at the Assessment Sub-Committee meeting on 21 October 2020. The Subject Member was not in attendance.

Conclusion

The complaint involved a series of critical comments on social media and other forums by the Subject Member regarding Trowbridge Town Council as a body

and other Members of that Council. The Complainant is also a Member of the Town Council.

The Complainant considers that the alleged comments amount to a breach of the Code via breaches of the Member/Officer Protocol of the Town Council, which states at Para 1.5 that it is an extension of the Code of Conduct. This confirms that a breach of the provisions of the protocol may constitute a breach of the Code, but this is not automatic.

In respect of Paragraph 5.4 of the Protocol on being mutually supportive, the heading of Paragraph 5 specifies this applies to relationships between *'Members at Committees and Officers at Meetings of the Council'*.

Notwithstanding that many of the provided examples took place outside of meetings and committees, though often about meetings and those involved with them, the Sub-Committee took account of the strong legal protections afforded to free expression, in particular political expression. Therefore, even if it were proven there was a breach of the Code, via a breach of the Protocol, it would need to be considered if this would be sufficient to overcome the high threshold to justify interference with the Subject Member's right to freedom of expression.

The Sub-Committee did not consider that the alleged statements and comments, or their manner, if proven, rose to a level which was capable of being a breach of the Code. Although highly critical and with disputed accuracy, there did not appear to be a level of excessive or unreasonable personal attack or bullying or intimidatory behaviour in a way which would not promote or support high standards of conduct or the Nolan principles. Although the reasoning for disagreement might be disputed, the Subject Member was open and transparent for the reasons in making their comments.

The Complaint was considered alongside Complaint COC130489, which involved the same Subject Member and alleged facts.

The Sub-Committee noted, from the materials and from other matters, that Trowbridge Town Council appeared to be currently engaged in matters of considerable, intense and emotive debate, which had had a number of consequences on its political operation and cooperation amongst its Members. That debate appeared to be escalating and was increasingly combative and divisive, to the potential detriment of the operation of the council and the community it serves.

Whilst the threshold for interference with political expression was, for good reason, high, it was important that Members be appropriately and accurately briefed when reporting on factual matters, that criticism of officers or officer performance in particular did not cross the line into excessive or unreasonable personal attacks, and to note that while the requirement to promote high standards of conduct did not and should not preclude robust political debate and disagreement where appropriate, councils could be more effective when, where possible, there was less confrontational discussion and operation.

After discussion, it was,

**Resolved:**

**In accordance with the approved arrangements for resolving standards complaints adopted by Council on 9 July 2019, which came into effect on 1 January 2020 and after hearing from the Independent Person, the Assessment Sub-Committee determined to take no further action in respect of the complaint.**

35 **Assessment of Complaint: COC130489**

Preamble

A complaint was received from Councillor Diana King (The Complainant), Trowbridge Town Council, regarding the conduct of Councillor Antonio Piazza (The Subject Member), also of Trowbridge Town Council. It was alleged that the Subject Member had breached the Code of Conduct through a series of comments which were not mutually supportive of other members and officers and failed to restrict criticism of officers to private communications. It was alleged the pattern of behaviour was contrary to the requirements of the Town Code of Conduct.

The complaint was considered alongside Complaint COC130370, which involved the same Subject Member and alleged facts.

Assessment

The Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was and remains a member of Trowbridge Town Council, and that a copy of the relevant Code of Conduct was provided for the assessment.

The Sub-Committee were satisfied that the nature of the discussions of council business in various mediums was such that the Subject Member was acting in their capacity as a Member.

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. If the Sub-Committee concluded that the alleged behaviour would amount to a breach, then it would have to go on to decide whether it was appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the original complaint and supporting information, and the report of the Monitoring Officer.

The Sub-Committee also considered a verbal statement from the Complainant provided at the Assessment Sub-Committee meeting on 21 October 2020. The Subject Member was not in attendance.

## Conclusion

The complaint involved a series of critical comments on social media and other forums by the Subject Member regarding Trowbridge Town Council as a body and other Members of that Council. The Complainant is also a Member of the Town Council.

The Complainant considers that the alleged comments amount to a breach of the Code via breaches of the Member/Officer Protocol of the Town Council, which states at Para 1.5 that it is an extension of the Code of Conduct. This confirms that a breach of the provisions of the protocol may constitute a breach of the Code, but this is not automatic.

In respect of Paragraph 5.4 of the Protocol on being mutually supportive, the heading of Paragraph 5 specifies this applies to relationships between *'Members at Committees and Officers at Meetings of the Council'*.

Notwithstanding that many of the provided examples took place outside of meetings and committees, though often about meetings and those involved with them, the Sub-Committee took account of the strong legal protections afforded to free expression, in particular political expression. Therefore, even if it were proven there was a breach of the Code, via a breach of the Protocol, it would need to be considered if this would be sufficient to overcome the high threshold to justify interference with the Subject Member's right to freedom of expression.

The Sub-Committee did not consider that the alleged statements and comments, or their manner, if proven, rose to a level which was capable of being a breach of the Code. Although highly critical and with disputed accuracy, there did not appear to be a level of excessive or unreasonable personal attack or bullying or intimidatory behaviour in a way which would not promote or support high standards of conduct or the Nolan principles. Although the reasoning for disagreement might be disputed, the Subject Member was open and transparent for the reasons in making their comments.

The Complaint was considered alongside Complaint COC130489, which involved the same Subject Member and alleged facts.

The Sub-Committee noted, from the materials and from other matters, that Trowbridge Town Council appeared to be currently engaged in matters of considerable, intense and emotive debate, which had had a number of consequences on its political operation and cooperation amongst its Members. That debate appeared to be escalating and was increasingly combative and divisive, to the potential detriment of the operation of the council and the community it serves.

Whilst the threshold for interference with political expression was, for good reason, high, it was important that Members be appropriately and accurately briefed when reporting on factual matters, that criticism of officers or officer performance in particular did not cross the line into excessive or unreasonable personal attacks, and to note that while the requirement to promote high standards of conduct did not and should not preclude robust political debate

and disagreement where appropriate, councils could be more effective when, where possible, there was less confrontational discussion and operation.

After discussion, it was,

**Resolved:**

**In accordance with the approved arrangements for resolving standards complaints adopted by Council on 9 July 2019, which came into effect on 1 January 2020 and after hearing from the Independent Person, the Assessment Sub-Committee determined to take no further action in respect of the complaint.**

(Duration of meeting: 12.30 - 1.15 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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