

Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 22 APRIL 2021 AT ONLINE MEETING.

Present:

Cllr Ruth Hopkinson (Chairman), Cllr Ernie Clark (Vice-Chairman),
Cllr Richard Britton, Cllr Fred Westmoreland, Cllr Stuart Wheeler and
Mr Michael Lockhart (non-voting)

Also Present:

Paul Barnett (Public Law and Compliance), Kieran Elliott (Democratic Services)

27 **Apologies**

There were no apologies.

28 **Minutes of the Previous Meeting**

The minutes of the meeting held on 25 March 2021 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

29 **Declarations of Interest**

There were no declarations.

30 **Meeting Procedure and Assessment Criteria**

The meeting procedure and assessment criteria was noted.

31 **Exclusion of the Public**

It was,

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 Agenda Item Number 6 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.

32 Assessment of Complaint: COC133045

The complaint had been considered at a meeting of the Sub-Committee on 25 March 2021, where it had been resolved to refer the matter for investigation. Following a material change in circumstances, the Sub-Committee met to consider if that change affected their decision.

Preamble

A complaint was received from Steve Perry (The Complainant) regarding the conduct of Councillor Sandie Webb (the Subject Member), a Member of Chippenham Town Council.

The complaint related to the response of the Subject Member, who is the Leader of the Town Council, to a question raised at a public meeting by the Complainant, who had not been present at the meeting during the period of the response but was subsequently provided a transcript of the response.

The response reportedly contained the lines *“I actually find it very disappointing that Mr Perry has fashioned the question this way aiming it at me, 68 year old female Councillor rather than addressing our male CEO but then I suppose that is the nature of someone who doesn’t come along with his convictions and actually put out comments themselves. I’m afraid it really is something of a red herring to harp back to 2018 though we’re actually in the here and now with enormous issues to address. I’m sure thatmost people are not stuck in a time warp and realise that as circumstances change so must we.”*

The Complainant considered the alleged response amounted to a breach of the principles of conduct in public life, a failure to promote and support high standards of conduct, and of paragraphs 4 and 5 of the Town Council Code, in respect of accountability and openness. He maintained that his question was not, as represented by the Subject Member, a misogynistic attack on the Subject Member as an individual.

The Subject Member contended that her response was an honest response to put into context a growing movement by the Complainant and a few more vocal individuals seeking to discredit certain individuals as a result of various matters relating to the town which have had strong political responses. She was responding to what she believed was a provocative personal attack fashioned at her, which she believed was in part misogynistic in nature as it was address to her rather than the male Chief Executive.

Assessment

At its 25 March 2021 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 Chippenham Town Council, that a copy of the relevant Code of Conduct was provided for the assessment, and that they were acting in their capacity as a Member during the various alleged actions.

They had therefore had to decide whether the alleged behaviour, if proven, would amount to a breach of the Code of Conduct, and if so, what action would be required. Further, if it would amount to a breach, whether it was appropriate under the assessment criteria.

At the meeting the Sub-Committee determined that the alleged remarks, if proven, could amount to a breach of the Code and it was appropriate to refer the complaint for investigation. It considered in particular the context of the remarks, from a Member in a position of significant authority to a member of the public, even if the challenge or series of challenges by the member of the public was felt by the Subject Member to be unreasonable.

Following the decision, the Sub-Committee became aware from the Statement of Persons Nominated published on 9 April 2021 that the Subject Member was not standing to be a Member of Chippenham Town Council, and would therefore cease to be a Member from 10 May 2021. As this was a material change of circumstances, a further meeting was arranged to consider whether that change of circumstances affected its earlier decision.

In reaching its decision at the meeting the Sub-Committee took into account the original complaint and supporting information, the response of the Subject Member, the report of the Monitoring Officer to the meeting on 25 March 2021, the Decision Notice from that meeting relating to the complaint, the written statement from the Subject Member and verbal statement of the Complainant to the meeting on 25 March, and the written comments from both the Subject Member and the Complainant provided for this meeting. Neither party was in attendance.

Conclusion

When assessing any complaint, the third test of the Assessment Criteria was as follows:

That the member remains a member of the relevant council, or, if not, that there are exceptional circumstances to justify a decision that it is in the public interest to continue to consider the complaint

Paragraph 5.3 of the criteria further states:

Bearing in mind the public interest in the efficient use of resources, referral for investigation is generally reserved for serious complaints where alternative options for resolution are not considered by the Monitoring Officer or Assessment Sub-Committee to be appropriate, particularly in cases where a subject member is no longer a member of a relevant council

In this case whilst the Subject Member remained a Member of the Town Council, this would no longer be the case within a matter of weeks. Although the Complainant had argued the matter should still be investigated, the Sub-Committee did not feel that there were exceptional circumstances to justify a decision that it was in the public interest to continue to consider the complaint.

In addition to the cost and resource of any investigation of someone no longer a Member, even if an investigation and Hearing were to confirm a breach had occurred the Town Council would then be required to approve sanctions toward a person no longer on their Council.

However, Sub-Committee noted its initial decision that the comments made by the Subject Member, if proven, would be capable of breaching the Code. They further reiterated that the comments would have been unacceptable from a Member in any position, particularly from a Member in such a senior position addressing a member of the public raising a query and that her perception of the Complainant would not, in their view, justify such a personal attack from a serving councillor.

Therefore, a decision that it was not in the public interest to investigate the complaint further due to the circumstances did not mean it was felt there the complaint had not raised serious issues which in most cases would have been investigated.

It was therefore,

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: 10.30 - 10.45 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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