

Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 29 SEPTEMBER 2022 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Ruth Hopkinson (Chairman), Cllr Ernie Clark (Vice-Chairman),
Cllr Richard Britton and Cllr Gordon King

Also Present:

Kieran Elliott (Democracy Manager – Democratic Services), Henry Powell
(Democracy and Complaints Manager), Matthew Hitch (Democratic Services Officer),
Frank Cain (Head of Legal Services), Tony Drew (Independent Person)

71 **Apologies**

Apologies were received from Julie Philips, Gordon Ball and Cllr Sam Pearce-Kearney.

72 **Minutes of the Previous Meeting**

The minutes of the meeting held on 24 August 2022 were presented for consideration, and it was,

Resolved:

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

73 **Declarations of Interest**

There were no declarations.

74 **Meeting Procedure and Assessment Criteria**

The procedure and criteria were noted.

75 **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 Minute Number 76, 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

76 **Assessment of Complaints: COC141444, COC141442, COC141443 and one part of COC141392**

Complaints were submitted by Jon Sloan and Matthew Bell, the Complainants, regarding the conduct of Councillors Alexandra Boyd, Gail Moore, and Alan Crossley, the Subject Members, of Wilton Town council. The complaint related to disclosure of interests and associated actions, and in one case an allegation of trespass.

Preamble

The Sub-Committee considered the initial tests of the assessment criteria and if these had been met, including that the Subject Members were and remain members of Wilton Town Council and that a copy of the relevant Code of Conduct was provided for the assessment.

The Sub-Committee then had to decide whether the alleged behaviour would, if proven, amount to a breach of the 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 complaints and supporting information, the response of the Subject Members, and the report of the Monitoring Officer.

The Sub-Committee also considered a written statement from the Complainant for COC141392 provided at the Assessment Sub-Committee meeting on 29 September 2022. None of the parties were in attendance.

Discussion

The complaints were interrelated and, with exception of COC141392, relating to the same issues, being the disclosure of pecuniary or non-pecuniary interests, and involvement in meetings and decisions to which those interests allegedly related. The Complainants consider that the Subject Members had conflicts of interest as a result and should not have participated in the meetings or discussions.

The Subject Members contended that the distance of their properties from the development, or in one case that they rent rather than own the property, was such that they did not have disclosable interests in the manner alleged.

In relation to COC141392, the Subject Member had offered an apology for his actions, which had been accepted by the Complainant.

Conclusion

The proper registration and declaration of pecuniary interests is of primary importance for any elected member, and the Code contained details and guidance on appropriate actions in the event of having such interests.

In this case the Subject Members' own homes or reside on an estate which included a number of planning applications from the developers of the estate.

The Sub-Committee did not consider that the evidence submitted as to the interests of the Subject Members, if proven, would amount to a breach of the Code. Nor would further investigation likely uncover any additional information which would affect that view, and accordingly there was no public interest in the complaint being considered further.

Simply residing on an estate which was subject to or part of a planning application could not, in the view of the Sub-Committee, be taken as forming a matter which 'directly relates' to an interest, in this case the homes of the Subject Members.

The guidance to the Code provided advice on disclosure and withdrawing in the event of an interest, but given the scale of an estate or ward, it would not be a reasonable interpretation of the Code, and the need for a direct relationship, to apply such a standard without indication of a deeper impact upon the Subject Members above those of others, than had been suggested or alleged within the complaint.

It should be further noted that Town Councils are consultees and not decision makers in respect of planning applications, with their representations considered by the local planning authority along with any other representations received.

Whilst it may generally be advisable for non-pecuniary interests of such a limited connection to be disclosed in the interests of transparency, a failure to do so would not amount to a breach and in this case the Subject Members had in any case taken the further step of requesting and being granted dispensations to contribute to discussions and decision making, which is a legitimate approach for councils to consider.

Other aspects of the allegations related purely to procedural or operational matters of the Town Council as a body. The granting of dispensations was a power of the Town Council and not within the jurisdiction of the Standards regime. Likewise, the method or procedure by which the Town Council made representations on a planning application was a matter for the Town Council, and as such also not within jurisdiction of the Standards regime. It was therefore not possible for these allegations to be capable of breaching the Code.

In respect of the allegation of trespass and associated poor behaviour, it was detailed in the report that an apology had been made by the Subject Member which had been accepted by the Complainant.

As such, in accordance with the assessment criteria, there was no public interest in progressing the matter further and the matter had been resolved through informal resolution, though the Sub-Committee noted the acceptance that the actions had been unwise and emphasised the need to be particularly careful when interacting with people who may be vulnerable.

IP Comment

A point was raised in relation to the guidance on the WTC Code in relation to whether something impacts a member (or their close relative) to a greater extent than the majority of the ward affected' and how this should be interpreted in parishes without wards

At the conclusion of 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: 2.00 - 2.35 pm)

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

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