

## STANDARDS REVIEW SUB-COMMITTEE

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### MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 24 AUGUST 2015 AT BOWOOD ROOM - COUNTY HALL, TROWBRIDGE.

#### Present:

Cllr Desna Allen, Cllr Bob Jones MBE and Cllr Paul Oatway QPM and Miss Pam Turner (non-voting)

#### Also Present:

Caroline Baynes, Frank Cain

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#### 1 Election of Chairman

##### Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

#### 2 Declarations of Interest

There were no interests declared.

#### 3 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 Agenda Item Number 4 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*

#### 4 **Review of an Assessment Decision: Reference WC-ENQ00111**

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, that the member was in office at the time of the alleged incident and that the Code was in force at the relevant time.

The Sub-Committee relied upon the original complaint, initial assessment and the additional information supplied in the complainant's request for a review of that initial assessment.

The complaint sets out a number of alleged breaches of the Code email exchanges between Councillor Richard Tonge and the complainant.

The Sub-Committee noted the comments of the complainant and subject member in relation to how many complaints had been made, regarding what, and how many incidents had been properly referred for their consideration. The Sub-Committee accepted the view of the Deputy Monitoring Officer for the initial assessment that concerns in relation to processes relating to highways works which had been the catalyst for the contact with the subject member, were being dealt with through the appropriate channels, via the Community Area Transport Group (CATG), and therefore any concerns with those processes would not be considered as a Code of Conduct matter.

In assessing whether the alleged behaviour of the subject member would, if proven, amount to a breach of the Code of Conduct, the Sub-Committee noted that while the initial response had been brief, as the concerns of the complainant would be determined by the CATG, referral of the matter to them and confirmation he would continue to work with the Chairman of the CATG regarding the matter, was an appropriate course of action not in itself evidence of a failure to be open, accountable or objective.

It was also clarified during the meeting that the Deputy Monitoring Officer during the course of their initial assessment, had contacted the subject member to clarify whether his comments about not responding to the member of the public related to all contact or was specific to the issue being raised in the email trail. The subject member confirmed the comment related only to the specific issue being raised.

Whilst the Sub-Committee was satisfied with the enquiry and its outcome it did recommend that should any clarification be sought in respect of complaint then generally this should be referred to the other party for comment.

No evidence had been submitted of historic or otherwise repeated incidents of concern regarding the subject member's openness or objectivity, and so the

Sub-Committee was in agreement with the Deputy Monitoring Officer for the initial assessment that while the tone of the email correspondence from the subject member was perhaps unfortunate, his actions as demonstrated had not risen to level that would amount to a breach of the code.

### **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 of the Standards Committee has decided:

- To take no further action.

(Duration of meeting: 1.15 - 1.50 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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