

Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 11 JUNE 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

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

15 **Apologies**

There were no apologies.

16 **Minutes of the Previous Meeting**

The minutes of the meeting held on 21 March 2024 were presented for consideration, and it was,

Resolved:

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

17 **Declarations of Interest**

There were no declarations of interest.

18 **Meeting Procedure and Assessment Criteria**

The procedure and criteria were noted.

19 **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 Numbers 20 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

20 **Assessment of Complaint: COC151643**

In considering the complaint, the Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was a member for the period of allegations and remains a member of Wiltshire 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 some aspects of the various alleged actions.

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, whether it was still 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, the response of the Subject Member, and the report of the Monitoring Officer.

The Sub-Committee also considered a verbal statement from the Subject Member and a written statement from the Complainant provided at the Assessment Sub-Committee meeting.

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 refer the complaint for investigation.

21 **Assessment of Complaint: COC151827**

A complaint was submitted by Alison Lucinda McLean-Crawford, the Complainant, regarding the conduct of Councillor Sarah Hill-Wheeler, the Subject Member, of Lydiard Millicent Parish Council.

The complaint related to a disagreement between the two parties regarding the location of the boundary of the village green and the Complainant's property.

The Complainants believed the Subject Member to have breached the following sections of the Code:

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.

Preamble

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 Lydiard Millicent Parish Council, that a copy of the relevant Code of Conduct was provided for the assessment, and that the Subject Member was acting in their official capacity during the alleged actions.

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 or alternative resolution.

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

The Sub-Committee also considered the verbal statements made by the Complainant and the Subject Member who were both in attendance at the Assessment Sub-Committee meeting.

Discussion

The complaint involved allegations that the Subject Member visited the Complainant's property and behaved in an aggressive manner, having removed some metal pins and tape which were marking the boundary line between the Complainant's property and the village green. Furthermore, it was alleged that when the Complainant and her husband asked the Subject Member to leave, they were threatened by the Subject Member who allegedly said that they were being taken to court by the parish council and should "look out" for what was coming.

The Complainant also alleged that when they asked the Subject Member to return their metal pins, the Subject Member refused due to not having seen any land registry papers which confirmed the land belonged to the Complainant. In addition, when the Complainant advised the Subject Member that they would call the police if she did not leave, the Subject Member refused to leave and encouraged her to call the police, at which point the Subject Member was alleged to have started filming the Complainant and her husband with her mobile phone, until the Subject Member's husband arrived to escort her away.

The Complainant believed that the Subject Member's behaviour was aggressive, and her actions were volatile and unreasonable.

The Complainant believed the Subject Member to be acting in her capacity as a Parish Councillor because during the incident she allegedly threatened legal action the Parish Council would take against the Complainant and referenced issues relating to the village green.

The Complainant also made allegations relating to bullying, intimidation, and harassment. Due to previous incidents, she suggested that the latest incident had been a personal attack by the Subject Member, as other neighbours who had also encroached on to the village green had been treated differently with no action being taken, which the Complainant believed was due to them being friends of the Subject Member.

The Complainant noted that she had previously witnessed the Subject Member at the rear of her property, straying from the public right of way to stand right behind her fence looking into the Complainant's property, sometimes taking photos or videos.

The Subject Member contends that the Complainant had a history of encroaching on to the village green and that the matter was the subject of a legal dispute, having been drawn to the Parish Council's attention 2 years previously.

The Subject Member stated that, at the time of the visit, she did not consider herself to be acting on behalf of the Parish Council, rather as a concerned resident. Noting that this distinction may not have been as clear as it could have been, the Subject Member stated that in hindsight she would have done things differently.

The Subject Member believed that during her visit to the Complainant's property, whilst her approach may have been firm and robust, she had not been aggressive or intimidatory, and that she had placed the pins and tape by the Complainant's door in a normal manner.

The Subject Member refuted saying any of the alleged quotes submitted by the Complainant and believed that the complaint was very much embellished to suit the Complainant's agenda.

The Subject Member stated that her husband did not arrive to escort her off of the Complainant's property and that she did not shout abuse or threaten legal action the Parish Council would take, though she did reference issues relating to the village green and plans which had been provided to the 'Village Green Working Group' of the Parish Council, detailing the extent of the village green.

The Subject Member stated that she did not consider herself a friend of the neighbour referred to by the Complainant that the allegations of having singled the Complainant out unfairly were untrue.

The Subject Member stated that she believed her actions to have been inappropriate and her words had not been chosen carefully, for which she apologised.

Conclusion

The Sub-Committee noted that the purpose of the Subject Member's visit was connected to the ongoing work of the 'Village Green' sub-group of the Parish Council, which the Subject Member previously led. It was further noted that the plans and issues regarding the village green referenced by the Subject Member during the visit would have only been available to the Subject Member due to her role on the Parish Council.

It was therefore reasonable for a member of the public with knowledge of all of the facts to believe that the Subject Member was acting in their capacity as a Parish Councillor at the time of the incident. It was noted that the onus was on the elected member to make clear their intentions when interacting with members of the public and to state in which capacity they were acting to prevent misunderstandings.

The Sub-Committee noted the differing accounts of the incident and agreed that it was unlikely that an Investigation would be able to establish the exact discussion and actions due to the absence of impartial witnesses.

The Sub-Committee agreed that it had been a poor decision for the Subject Member to visit the Complainant's home, noting that actions of the Parish Council should not be taken on by an individual councillor, but instead processed by the clerk following a collective decision being formally recorded at a council meeting.

The Sub-Committee took into account the Subject Member's statement in which she noted that in hindsight, she should have approached things differently and that her words had not been well chosen for which she apologised.

The Sub-Committee agreed that, if proven, some of the Subject Member's alleged actions could potentially represent a breach of the relevant Code of Conduct. However, the Sub-Committee agreed that on balance, it was not appropriate under the Local Assessment Criteria to refer the matter for investigation, taking into account the efficient use of public resources, the likely difficulty any investigation would face in establishing the actual events on the balance of probabilities and the apology provided by the Subject Member.

However, the Sub-Committee wished to advise the Subject Member to consider their approach to addressing local matters connected with council business more carefully in future to provide more clarity regarding the role they are acting in and to avoid potential breaches of the Code of Conduct.

Taking all of the factors set out above into account, the Sub-Committee resolved to take no further action in respect of the complaint.

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: 1.30 - 2.30 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.alexander@wiltshire.gov.uk

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