

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 21 JUNE 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Glenis Ansell, Cllr Ernie Clark, Cllr Horace Prickett and Mr John Scragg (Non-voting)

Also Present:

Mr Stuart Middleton (Independent Person), Mr Paul Taylor (Senior Solicitor), Mr Kieran Elliott (Senior Democratic Services Officer)

16 **Election of Chairman**

Resolved:

To elect Councillor Ernie Clark as Chairman for this meeting only.

17 **Declarations of Interest**

There were no interests declared.

18 **Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria for the meeting were noted.

19 **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 No.20 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

Review of an Assessment Decision: Reference WC-ENQ00091

The Sub-Committee considered a complaint against Councillor Simon Killane of Wiltshire Council. It was alleged he had failed to promote and support high standards of conduct when serving in public office as required by the Code of Conduct in that he failed to have regard to the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership as a result of personal comments made on social media and to the complainant's employers and friends and family between the period 15 to 18 February 2015.

The Sub-Committee went through the initial tests required by the local assessment criteria, and agreed with the assessment of the Deputy Monitoring Officer that the complaint related to the subject member, that they were in office at the time of the alleged incident, and were acting in their capacity as a councillor. They therefore then had to determine whether the remaining assessment criteria were met and, if so, whether the matters alleged in the complaint were, if proven, capable of breaching the Code of Conduct.

In reaching its decision the Sub-Committee relied upon the original complaint and supporting information, the response of the subject member, the initial assessment and the complainant's request for a review of the initial decision to take no further action.

Both complainant and subject member had provided lengthy submissions detailing competing allegations of poor conduct over an extended period around a number of personal and political issues that were intertwined. The Sub-Committee took the view that the actions on both sides were on the basis of the evidence clearly 'tit for tat' and therefore resolved to take no further action in accordance with paragraph 5 of the Assessment Criteria:

A complaint will not be referred for investigation if, on the available information, it appears to be trivial, vexatious, malicious, politically motivated or 'tit for tat'.

In any event on the evidence presented the Sub-Committee was not satisfied the behaviours listed would, if proven, be capable of breaching the Code of Conduct. It was apparent there had been considerable inflammatory commentary which involved both the complainant and the subject member and respective supporters, and the Sub-Committee accepted the view proposed by the Deputy Monitoring Officer that while the actions of the subject member may have escalated matters, these did not amount to a breach of the Code.

The Sub-Committee therefore upheld the reasoning and the initial assessment decision of the Deputy Monitoring Officer to take no further action in respect of their complaint.

The Sub-Committee was also strongly of the view that democracy in Malmesbury would be best served through some form of mediation to resolve the ongoing disputes between the parties, rather than the continued use of

public resources to investigate and assess competing allegations and counter allegations.

Resolved:

To take no further action in respect of the complaint.

(Duration of meeting: 9.30 - 10.15 am)

The Officer who has produced these minutes is Kieran Elliott, of Democratic & Members' Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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