

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 6 JUNE 2017 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Peter Evans, Cllr Howard Greenman and Cllr Graham Wright

Also Present:

Kieran Elliott, Senior Democratic Services Officer, Paul Taylor, Senior Solicitor, Caroline Baynes, Independent Person, Cllr Roy While

29 **Election of Chairman**

Resolved:

To elect Councillor Gordon King as Chairman for this meeting only.

30 **Declarations of Interest**

There were no declarations.

31 **Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria for the meeting were noted.

32 **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 33 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

33 **Review of an Assessment Decision: Reference WC-ENQ00200**

A complaint had been submitted by Mr Phil Chipper against Councillor Roy While of Wiltshire Council. The complaint related to the subject member's tenure as Chairman of the Shadow Community Operations Board (SCOB) which had consulted and advised on options for the development of a Melksham Campus, and what were regarded by the complainant as errors in the outcomes of and within the processes of the Campus project which had breached the Code of Conduct.

The initial assessment of the Monitoring Officer had been for there to be no further action in respect of the complaint.

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 and that the member was in office at the time of the alleged incident and remained a member of Wiltshire Council. A copy of the appropriate Code of Conduct was also supplied for the assessment.

In reaching its decision, the Sub-Committee took into account the complaint, the response of the subject member, the initial assessment of the Deputy Monitoring Officer to take no further action and the complainant's request for a review. The Sub-Committee also considered the verbal representation made at the Review by the subject member, as well as written submissions from the complainant, who was not in attendance.

As had been clarified by the Deputy Monitoring Officer in his initial assessment, the SCOB were an advisory body with community membership, without decision making authority in respect of the Campus programme. The decision maker was the Cabinet of Wiltshire Council, and while it would be the case that the views of the SCOB were influential, the SCOB could not and did not make the final decisions in relation to the Melksham Campus. As documents included by the complainant in their request for a review showed, the Cabinet received reports from Area Boards, who had reports from SCOBs, but the Cabinet took the final decisions. If failings existed or continued to exist with the campus project, the mere existence of those failings would not in itself be capable of being a breach of a Code of Conduct, which related to behaviour an individual member or members, but would be the responsibility of the decision-making body.

In response to points raised in the request for a review of the initial assessment decision, it was also noted that details being withheld from council reports, or discussed in confidential session at an otherwise public council meeting, could not simply be requested by any member of a council. It was therefore not possible that the subject member could have breached the Code simply

because certain information was not publicly accessible when the decisions were taken.

Therefore, the Sub-Committee were satisfied that none of the allegations, if proven, were capable of breaching the Code of Conduct. This was irrespective of the other reason for dismissal from the Deputy Monitoring Officer, which was that the complaint had been submitted well beyond the limit in the assessment criteria of 20 working days from the date the complainant became aware, or ought to reasonably have become aware, of the matters giving rise to the complaint. The matters in this case related to 2015 and earlier, with the complaint submitted on 1 March 2017. The Sub-Committee did not consider that there were any exceptional circumstances in this case to justify an extension to the usual time limits.

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 decided that no further action be taken in respect of the complaint.

(Duration of meeting: 12.30 - 1.15 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

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