

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 14 NOVEMBER 2018 AT WEST WILTSHIRE ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Peter Evans, Cllr George Jeans and Cllr Fred Westmoreland, Richard Baxter (non-voting)

Also Present:

Harriet James (Complainant), Sukdave Ghuman (Legal), Kieran Elliott (Democratic Services), Tony Drew (Independent Person)

6 Election of Chairman

Resolved:

To elect Councillor Fred Westmoreland as Chairman for this meeting only.

7 Declarations of Interest

There were no declarations.

8 Meeting Procedure and Assessment Criteria

The procedure and assessment criteria for the meeting were noted.

9 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 Item Number 5 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.

10 **Review of an Assessment Decision: Reference WC-ENQ00271**

A complaint had been made by Harriet James (the complainant) against Cllr Christopher Newbury (the subject member), a member of Wiltshire Council. The complaint related to a meeting of the Western Area Planning Committee, of which the subject member is chairman, on 25 July 2018. It was alleged that the subject member breached the code in that he failed to promote high standards of conduct or demonstrate leadership or accountability in not declaring his membership of the Warminster Area Board, or status as an elected member for part of Warminster, where an application before the committee was located, and that he did not provide reasons for not voting on the application.

The complaint had received an initial assessment by the deputy monitoring officer, who had concluded none of the allegations, if proven, would amount to a breach of the relevant code of conduct. The complainant then requested a review of that initial assessment decision.

After opening the meeting and detailing the procedure the review sub-committee formally excluded any press or public, and then received a verbal statement from the complainant in support of their complaint. The sub-committee then retired to consider the complaint and the reasons for review.

Preamble

The Sub-Committee were satisfied that the initial tests of the Assessment Criteria had been met, being that the member was and remains a member of Wiltshire Council, that the conduct related to their conduct as a member of that council, and that a copy of the relevant Code of Conduct was provided for the assessment.

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 still appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint and supporting documentation, 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 a verbal statement from the Complainant and a written statement from Subject Member, who was not in attendance. The Sub-Committee took into account that the complainant did not agree with the summary of their complaint in the initial assessment decision notice, clarifying instead that she had complained that the Subject Member did not declare that he was 'a' local member or a member of the Area Board, not that he did not declare that he was the councillor for 'the' part of Warminster in which the application was situated.

Conclusion

The complaint involved consideration of and voting involving a planning application which was determined by the Western Area Planning Committee, of which the Subject Member is the Chairman. The planning application was local to Warminster, a part of which the Subject Member represents, and from the papers before the Review Sub-Committee it was clear the application involved significant local interest. The Subject Member did not vote on the application, or explain at the meeting why they were not voting.

The Deputy Monitoring Officer had concluded that there was no requirement for members of a committee to vote on any matter that is before them, nor an obligation to give reasons as to why they have not exercised their vote.

The Review Sub-Committee agreed with the reasoning of the Deputy Monitoring Officer. A collective decision was made by the Committee, with the deliberations detailed at length in the minutes. That the application in question was of some level of controversy would not confer additional obligations upon any individual member of a Committee in this specific instance, nor would a requirement to be accountable for individual decisions undermine the principle of collective responsibility when it comes to a committee vote. It was also not a Code of Conduct matter for a Chairman to explain the actions of other members at a meeting.

In her statement to the Review Sub-Committee the complainant accepted that the Subject Member was not obliged by the Code of Conduct to declare that he was an elected member for part of Warminster and a member of Warminster Area Board. Absent such an obligation, it could not be possible for the alleged behaviours not to declare to be a breach of the Code, even if it was accepted it would have been preferable.

It was therefore resolved to uphold the decision of the Deputy Monitoring Officer to take no further action in respect of the complaint.

The Sub-Committee noted, for the sake of completeness in response to representations received, that elected unitary members were not salaried but received an allowance.

At the conclusion of discussion, it was,

Resolved:

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 to take no further action.

(Duration of meeting: 12.30 - 12.55 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,
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