

## **STANDARDS REVIEW SUB-COMMITTEE**

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**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, Cllr Fred Westmoreland, Mr Richard Baxter (non-voting)

**Also Present:**

Tony Drew (Independent Person), Sukdave Ghuman (Representative of the Monitoring Officer), Kieran Elliott (Senior Democratic Services Officer)

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**11 Election of Chairman**

**Resolved:**

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

**12 Declarations of Interest**

There were no declarations.

**13 Meeting Procedure and Assessment Criteria**

The procedure and assessment criteria for the meeting were noted.

**14 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 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.**

*Paragraph 1 - information relating to an individual*

## 15 **Review of Decision: Reference WC-ENQ00265**

A complaint had been made by Miss Alison Kent (the complainant) against Cllr Gary Mansell (the subject member), a member of Bishops Cannings Parish Council. The complaint was centred on Three allegations; that the Subject Member had as a result of a business or personal relationship acted improperly in breach of the Code during the appointment of a new parish clerk when there was a conflict of interests, that proper advice had been ignored and the Complainant had been shouted down (and as a result illegal meetings held), and that financial procedures had not been followed.

The complaint had received an initial assessment by a representative of the Monitoring Officer, who had concluded that the alleged behaviour, if proven, would amount to breaches of paragraphs 1 and 7 of the Code. The complaint was therefore referred for investigation. The subject member then requested a review of that initial assessment decision. A Sub-Committee on 12 October 2018 had determined to uphold the decision of the representative of the Monitoring Officer to refer the matter for investigation.

After the decision on 12 October 2018 the subject member resigned as a member of Bishops Cannings Parish Council. Councils are obliged to consider, irrespective of whether a subject member remains an elected member, whether there is a legitimate public interest in proceeding with an investigation on a complaint and/or a standards hearing. This requirement was set out in detail in the report from the Monitoring Officer.

As a Review Sub-Committee had made the initial confirmation to refer the complaint for investigation it was determined by the Monitoring Officer that it was appropriate that the matter be returned to a Sub-Committee to consider whether the complaint should be continued now that the Code of Conduct no longer applied to the Subject member, and in its considerations should take into account the matters set out in the Local Assessment Criteria.

After opening the meeting and noting the procedure, the Sub-Committee formally excluded any press or public. A written statement received from the complainant detailing why they felt the investigation should continue despite the resignation of the subject member was considered. The Sub-Committee then retired to consider the matters before them.

### Preamble

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 a representative of the Monitoring Officer to refer the matter for investigation, the Subject Member's request for a review, the decision of the initial Review Sub-Committee and a written statement from the complainant. Neither party was in attendance.

## Conclusion

The Review Sub-Committee carefully considered the public interest in proceeding with an investigation in light of the Subject Member's resignation, particularly given the requirement to consider the public interest in the efficient use of resources. The initial Review Sub-Committee had considered that given the nature of the allegations it was in the interests of both parties to investigate the allegations so that the facts could be established.

The Review Sub-Committee took into account the nature of the allegations, and that the complaint appeared to be the subject of local comment. On balance they considered that it remained in the interests of all parties and the community for a final determination to be made on the truth, or not, of the allegations, and therefore it was resolved that an investigation should proceed.

At the conclusion of discussion it was therefore,

## **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 determined to refer the complaint for investigation.**

(Duration of meeting: 1300-1320)

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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