

Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 23 JUNE 2021 AT COUNCIL CHAMBER, COUNTY HALL, TROWBRIDGE, BA14 8JN

Present:

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

Also Present:

Frank Cain (Head of Legal Services), Kieran Elliott (Senior Democratic Services Officer), Damian Kearney (Independent Person), Miles and Katie Elderfield (Complainants), Cllr Clive Boyes (Subject Member)

1 **Election of Chairman 2021/22**

It was,

Resolved:

To elect Councillor Ruth Hopkinson as Chairman for the forthcoming year.

2 **Election of Vice-Chairman 2021/22**

It was,

Resolved:

To elect Councillor Ernie Clark as Vice-Chairman for the forthcoming year.

3 **Apologies**

Apologies were received from Councillor Ernie Clark.

4 **Minutes of the Previous Meeting**

The minutes of the meeting held on 22 April 2021 were presented for consideration, and it was,

Resolved:

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

5 **Declarations of Interest**

There were no declarations.

6 **Meeting Procedure and Assessment Criteria**

The meeting procedure and assessment criteria were noted.

7 **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 Agenda Item Number 8, 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

8 **Assessment of Complaint: COC133950**

Preamble

A complaint was received from Miles and Katie Elderfield (the Complainants) regarding the conduct of Councillor Clive Boyes (the Subject Member) of Stert Parish Council.

The complaint involved a series of alleged actions by the Subject Member toward the Complainants from the beginning of their ownership of land within Stert, particularly regarding their plans for the land. They alleged the Subject Member had engaged in bullying and harassing behaviour including trespass, beyond regular actions in respect of planning and enforcement disputes. They had also raised issues with and regarding the parish council, which the Subject Member chairs.

The Subject Member contended that they had sought only to represent the views of residents and rejected characterisation of his actions, including taking photos of sites and representing views objecting to plans for the land in question, as being capable of breaching the Code of Conduct.

Assessment

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 Stert Parish 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 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. 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.

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 verbal statements from both the Complainants and the Subject Member provided at the Assessment Sub-Committee meeting.

Conclusion

From the submissions it was apparent that after an initial period of engagement between the parties around the issues raised, there had been a breakdown in the relationship, which had at times had become antagonistic. The Sub-Committee considered whether any of the individual alleged actions or taken together, rose to a level which, if proven, would amount to a breach of the Code.

Some of the allegations such as those involving minutes publication and detail related to actions of the parish council as a body rather than the Subject Member personally, which would not be a matter for the Sub-Committee.

The allegations had principally arisen following a dispute involving use of land by the Complainants, which was objected to by some others in the community, and which the Subject Member had responded to in a number of ways. The Sub-Committee considered that whilst some of those actions in furtherance of looking into planning or enforcement matters may not have been advisable, or taken account of their impact on the Complainants in how they were conducted, none individually or taken together rose to a level of a breach under the Code.

However, it also considered that both the Subject Member and the Parish Council could have been more open in explaining their intentions or actions such as observing the site, or communicated in a more understanding manner, the lack of which may have contributed to the escalation of the matters of dispute.

Given the nature of the dispute which from reports was divisive in the community, and noting the initial attempts at engagement, the Sub-Committee encouraged the parties to seek an informal resolution of their concerns which would be to the benefit of both sides and the community in general.

It was therefore,

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: 1.05 - 2.05 pm)

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