

Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 26 AUGUST 2021 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Britton, Cllr Ernie Clark (Vice-Chairman), Cllr Ruth Hopkison (Chairman), Cllr Sam Pearce-Kearney and Cllr Derek Walters (Substitute), Gordon Ball (Non-voting) and Julie Phillips (non-voting).

Also Present:

Complainant COC134813, Damian Kearney (Independent Person), Frank Cain (Head of Legal), Lisa Moore (Senior Democratic Services Officer) and Kathy Barnes (Observer Co-opted Member)

9 **Apologies**

Apologies were received from Councillor Gordon King. Councillor King was substituted by Councillor Derek Walters.

An apology was also received from Independent Person Pat Bunche.

10 **Minutes of the Previous Meeting**

The minutes of the meeting held on 23 June 2021 were presented for consideration, and it was,

Resolved:

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

11 **Declarations of Interest**

There were no declarations.

12 **Meeting Procedure and Assessment Criteria**

The meeting procedure and assessment criteria were noted

13 **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 Numbers 6-8, 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

14 **Assessment of Complaint: COC134813**

Due to the absence of the Independent Person assigned to consider the complaint with the Sub-Committee, after taking legal advice, It was determined that the assessment of the complaint should be deferred until the next meeting on 30 September 2021.

The Complainant who was in attendance, provided a written copy of his statement for inclusion in the papers for the next meeting.

Resolved:

To defer the assessment of COC134813 until 30 September 2021.

15 **Complaint: COC131452**

A complaint had been submitted on 11 October 2020 by Councillor Jon Hubbard (the Complainant) regarding the conduct of Councillor Vanessa Fiorelli (the Subject Member), then a Member of Melksham Town Council.

It was alleged that the Subject Member breached the town council's code of conduct in that she had, contrary to the financial regulations and standing orders of the Melksham Town Council, arranged for a locum Town Clerk to be employed when she had no authority to do so and by such demonstrated a disregard of the Nolan principles specifically integrity, objectivity, accountability openness, honesty and leadership which amounts to a breach of the Council's code of conduct.

The complaint was initially heard by the Assessment Sub-Committee on 19 November 2020, when it was determined to refer the complaint for investigation.

Following receipt of an Investigating Officer's report and comments from parties, the Monitoring Officer had recommended that no further action be taken in respect of this complaint.

In accordance with paragraph 7.2 of Protocol 11, the decision of the Monitoring Officer's recommendation was reported to the Sub-Committee for information. The Sub-Committee accepted the conclusion that the process followed in the investigation was sound, and noted the comments of the Independent Person, and found no reason to depart from the recommendation.

At the conclusion of discussion, it was,

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.

16 **Complaint COC129729**

A complaint had been submitted on 25 June 2020 by Mr & Mrs Allsworth (the Complainants) regarding the conduct of Councillor Antonio Piazza (the Subject Member), a Member of Trowbridge Town Council.

It was alleged that the Subject Member has used his position as a Councillor to discourage a delivery company from making deliveries to the complainant's home address.

The Complainants alleged that by identifying himself as a Councillor of Trowbridge Town Council the Subject Member has breached the Trowbridge Town Council Code of Conduct by: -

- a. not promoting or supporting high standards in his public office (localism Act 2011 and general principles), and/or
- b. using his position for personal benefit he is not acting with integrity, (Nolan Principles) and/or
- c. using his position improperly to gain an advantage/confer a disadvantage in his private life over the Complainant.

The complaint was initially heard by the Assessment Sub-Committee on 18 August 2020, when the Committee determined to refer the complaint for investigation.

Following receipt of an Investigating Officer's report and comments from parties, the Monitoring determined the allegations required further enquiry, details of which were included as Appendix C to the Investigation report. At the completion of the Investigating Officer's additional enquiries, she confirmed that there was nothing within the information which altered her original conclusion in this matter that the actions had not risen to the level of a breach.

After Consideration of the Report and the additional enquiries, the Monitoring Officer determined to recommend to the Sub-Committee that no further action be taken in respect of the complaint.

The Sub Committee agreed with the observations of the Monitoring Officer, which were that they believed that the Subject Member should be reminded of his professional/personal boundaries and the potential for conflicts of interest. It was their view that the Subject Member should have handled the matter relating to his mother professionally and advised her to contact her local councillor or referred her to them. In addition, he should also have avoided using his councillor status in any way if he was making personal enquiries.

In accordance with paragraph 7.2 of Protocol 11, the decision of the Monitoring Officer's recommendation was reported to the Sub-Committee for information. They considered that there had been a fair and comprehensive investigation. At the conclusion of discussion, it was,

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: 10.30 - 11.47 am)

The Officer who has produced these minutes is Lisa Moore of Democratic Services, direct line 01225 718504, e-mail lisa.moore@wiltshire.gov.uk

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