

AGENDA

Meeting: Standards Assessment Sub-Committee

Place: Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 11 June 2024

Time: 1.30 pm

Please direct any enquiries on this Agenda to Lisa Alexander of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01722 434560 or email lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership

Cllr Ruth Hopkinson (Chairman)

Cllr Ernie Clark (Vice-Chairman)

Cllr Richard Britton

Cllr Gordon King

Cllr Sam Pearce-Kearney

Gordon Ball (Non-voting)

Joanne Cetti (Non-voting)

Kathy Barnes (Non-voting)

Julie Philips (Non-voting)

Substitutes:

Cllr Allison Bucknell

Cllr Trevor Carbin

Cllr Andrew Davis

Cllr Matthew Dean

Cllr Howard Greenman

Cllr Jon Hubbard

Cllr Mel Jacob

Cllr Kathryn Macdermid

Cllr Dr Nick Murry

Cllr Paul Oatway QPM

Cllr Bill Parks

Cllr Pip Ridout

Cllr Mike Sankey

Cllr Iain Wallis

Cllr Derek Walters

Cllr Graham Wright

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (Pages 5 - 12)

To approve the minutes of the meeting held on 21 March 2024.

3 **Declarations of Interest**

To receive any declarations of disclosable interests, or dispensations granted by the Standards Committee.

4 **Meeting Procedure and Assessment Criteria** (Pages 13 - 22)

To note the procedure and assessment criteria for the meeting.

5 **Exclusion of the Public**

To consider passing the following resolution:

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 onwards, 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

Part II

Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

6 **Assessment of Complaint: COC151643** (Pages 23 - 94)

Assessment of Complaint COC151643.

7 **Assessment of Complaint: COC151827** (Pages 95 - 122)

Assessment of Complaint COC151827

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Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 21 MARCH 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Ruth Hopkinson (Chairman), Cllr Ernie Clark (Vice-Chairman),
Cllr Richard Britton, Cllr Gordon King, Joanne Cetti, Julie Phillips and
Cllr Trevor Carbin (Substitute)

7 **Apologies**

Apologies were received from:

Councillor Sam Pearce-Kearney, who was substituted by Councillor Trevor Carbin.

8 **Minutes of the Previous Meeting**

The minutes of the meeting held on 18 January 2024 were presented for consideration, and it was,

Resolved:

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

9 **Declarations of Interest**

In relation to complaint COC150777 Cllr Richard Britton declared that he was a member of the same Conservative Party Constituency Association as the Subject Member. He stated he had been contacted by the Subject Member prior to the meeting, however he confirmed he not entered into conversation or discussion about the complaint. He therefore advised that he would remain part of the Sub-Committee's deliberations and consider the matter with an open mind.

10 **Meeting Procedure and Assessment Criteria**

The procedure and criteria were noted.

11 **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 Minute Numbers 12 onwards, 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

12 **Assessment of Complaint: COC150528**

A Complaint was submitted by Ms Megan Stratton, the Complainant, regarding the conduct of Councillor Graham Greener, the Subject Member, of Brinkworth Parish Council.

The Complaint related to a phone conversation between the Subject Member and the Complainant on 6 February 2024.

The Complainant alleged that during a phone conversation, to discuss a footpath on land owned by the Complainant, the Subject Member's behaviour was inappropriate.

The allegations in summary related to a discussion about a footpath and a ditch near to the Complainant's land where they kept horses. During the conversation the Subject Member stated he was representing Brinkworth Parish Council following raised concerns, relating to flooding. It was alleged that the Subject Member went on to blame the horses for causing flooding of a footpath and for spreading mud to another nearby ditch, due to the horses not being fenced off appropriately when the Complainant had previously been asked to do so.

It was further alleged that in response to the Complainant raising concerns relating to lose dogs, the Subject Member threatened to shoot her horses, criticising the Complainant's management of the horses and mocking her mental health.

The Complainant believed the Subject Member to have breached the following sections of the Code:

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidating.

3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.

Preamble

The Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was and remained a member of Brinkworth 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 or alternative resolution.

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.

There were no additional verbal or written statements at the meeting for consideration by the Sub-Committee.

Discussion

The Sub-Committee considered the summary of allegations as set out in the report.

The Complainant believed the Subject Member's behaviour during the phone call to have been rude and inappropriate.

The Complainant alleged that the Subject Member blamed her horses for causing flooding to another ditch, which was on land owned by a neighbour who it is alleged oversaw footpaths on behalf of the parish council.

The Complainant alleged that during the Subject member mocked her mental health.

The Complainant expressed concerns of safety, relating to her belief that the Subject Member was a gun dealer.

The Subject Member's account confirmed that the intention of the call had been to obtain the Complainant's home address, to enable a letter to be sent out by the clerk, following a discussion around obstructed access to a footpath at a parish council meeting.

The Subject Member did not dispute that they were acting in their capacity as a councillor, however, their account of the conversation was that the Complainant had become agitated and had said that she would shoot people's dogs if they

continued to unsettle her horses. It was in response to that comment that the Subject Member contends he had suggested caution in making such comments, because if the Complainant were to start shooting dogs, then the dogs' owners may retaliate in a similar manner towards her horses.

The Subject Member disputes the allegation that he blamed the Complainant's horses for causing flooding, instead he advised that if a drain became blocked by the damage the horses were doing to the ditch, then it may result in flooding and at no time did he say that he would shoot her horses.

The Subject Member confirmed that he was no longer a registered firearms dealer as he had relinquished his licence in 2016.

The Subject Member stated that at the time of the phone calls, he had no knowledge of the Complainant's mental state and that the allegations of him mocking her mental health were untrue.

Conclusion

The Sub-Committee noted the two quite different accounts of the telephone conversation and, due to there being no other witnesses, agreed that it would not be possible to verify which account was most accurate.

The Sub-Committee noted that the Subject Member had volunteered to call the Complainant on behalf of the parish council, with the purpose of obtaining her address. It was agreed that the conversation as described in both accounts included more of a discussion around the path and the issue of obstruction, which went beyond the original purpose of the call.

The Sub-Committee felt that the Subject Member had overstepped his role during the phone call, and that the details of the matter should have been left to the Clerk of the parish council to formulate in a letter, as agreed as an action by the parish council.

However, the Sub-Committee agreed that, on balance, it was not appropriate under the Local Assessment Criteria to refer the complaint for investigation taking into account the efficient use of resources. This was because an investigation would not be able to establish whether, on the balance of probabilities, a breach of the Code had occurred or not, due to the lack of witnesses to the telephone call in question.

The Sub-Committee, therefore, resolved to take no further action in respect of the complaint.

After 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.

13 **Assessment of Complaint: COC150748**

A complaint was submitted by Mr Nigel Valentine and Mr Jason Abbott, the Complainants, regarding the conduct of Councillor Terry Couchman, the Subject Member, of Calne Town council.

The Complaint related to the Subject Member's Facebook posts on the 'Calne Central' group page on 17 February 2024. A summary of the main allegations included the Subject Member commenting "go screw yourself" and "its because of tossers like you I'm retiring".

The Complainants believed the Subject Member to have breached the following sections of the Code:

- 1.1 I treat other councillors and members of the public with respect.
- 5.1 I do not bring my role or local authority into disrepute.

Preamble

The Sub-Committee was satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was and remains a member of Calne Town 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 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 or alternative resolution.

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 the written statement from the Complainants provided at the Assessment Sub-Committee meeting.

Discussion

The Sub-Committee considered the summary of allegations as set out in the report, noting that any allegations relating to previous complaints and/or other elected members other than the Subject Member would not form part of the Sub-Committee's considerations.

The Complainants believed that the Subject Member had failed to treat them with respect during participation in an online discussion on a Facebook group

and in doing so the Subject Member had brought his role and his local authority into disrepute.

The Subject Member contended that his comments had been made in response to abusive, harassing and dishonest comments made by the Complainants on Facebook posts in groups and on pages he managed on social media.

The Subject Member stated that he had 'responded in kind' to one of the Complainants, asking him to desist and warning him that he would be reported and blocked. When the behaviour did not stop, he reported the Complainant and blocked him on social media sites he managed.

The Complainants refute the allegations made in the Subject Member's response to the complaint, stating that they had not made dishonest, abusive, or harassing comments towards the Subject Member on Facebook as alleged.

The Sub-Committee noted that the Facebook conversation threads referred to by the Complainants appeared to have been deleted and were therefore no longer available.

Conclusion

The Sub-Committee noted that the title of the Subject Member's Facebook account did not refer to his councillor role. However, it was noted that within the Facebook account the Subject Member did describe himself as a "politician" and that the exchange during which the incident took place did relate to the Subject Member's role as a councillor.

The Sub-Committee agreed that whilst the words used by the Subject Member in the Facebook post could be considered inappropriate, they had been used in the context of a longer running disagreement with the Complainants, which the Sub-Committee considered to provide a level of mitigation.

The Sub-Committee noted that respectful behaviour ran two ways and that in a moment of frustration, during discussion between parties with differing opinions, it was possible to lose sight of what was appropriate.

The Sub-Committee agreed that, if proven, some of the Subject Member's alleged actions could potentially represent a breach of the relevant Code of Conduct. However, the Sub-Committee agreed that on balance, it was not appropriate under the Local Assessment Criteria to refer the matter for investigation, taking into account the efficient use of public resources, due to the mitigation outlined above.

However, the Sub-Committee wished to advise the Subject Member to consider the language they used in online exchanges more carefully in future to ensure that it was appropriate to his role and in compliance with the Code of Conduct.

The Sub-Committee, therefore, resolved to take no further action in respect of the complaint.

After 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.

14 **Assessment of Complaint: COC150777**

The Sub-Committee noted the decision of the Monitoring Officer to agree to the request of the Complainant, for their details to be kept confidential at this stage of the procedure.

The Sub-Committee was satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was and remained a member of Salisbury City Council and that a copy of the relevant Code of Conduct was provided for the assessment.

The Sub-Committee considered whether the Subject Member was acting in their capacity as a member during the alleged actions and having considered several competing factors including that fact that the Subject Member was a Mayor and therefore arguably held to a higher standard and the serious nature of the allegations, agreed that further information regarding the nature of the WhatsApp group was required to make that judgement. The Sub-Committee noted that there was also a Facebook post by the Subject Member that was reported in the media.

The Sub-Committee had to also 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 or alternative resolution.

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 the written statement from the Subject Member, provided at the Assessment Sub-Committee meeting.

No parties were in attendance at the Assessment Sub-Committee meeting.

After 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 refer to the Monitoring Officer for Investigation.

(Duration of meeting: 12.00 - 2.00 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.alexander@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

STANDARDS COMMITTEE

PROCEDURAL RULES FOR THE ASSESSMENT SUB-COMMITTEE

1 Purpose

- 1.1. These rules have been prepared to facilitate proper consideration by the Standards Committee's Assessment Sub-Committee, when making assessment decisions in respect of Code of Conduct complaints ('the Assessment') and receiving details of completed investigations.
- 1.2. The rules set out a framework for how Assessments are to be conducted and explain the role of the participants at the Assessment.

2. Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Review:
 - **'Subject Member/Member'** means a member of Wiltshire Council, or of a parish, town or city council within the Wiltshire Local Authority area, against whom a complaint has been made under the Code of Conduct.
 - **'Complainant'** means the person(s) who have lodged a complaint against the conduct of a Member
 - **'Council'** means Wiltshire Council.
 - **'The Monitoring Officer'** is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the arrangements for dealing with complaints of member misconduct. It includes any officer nominated by the Monitoring Officer to act on his or her behalf in that capacity.
 - **'Democratic Services Officer'** means the Council's Officer who is present at an Assessment Sub-Committee meeting to take minutes and advise on procedure.
 - **'Independent Person'** means a person appointed under Section 28(7) of the Localism Act:
 - a) whose views must be sought and taken into account before a decision is made on an allegation of member misconduct under these arrangements;
 - b) who may be consulted by the Member about the complaint.
 - **Assessment** means a review of the complaint and any written response by the subject member to consider whether on the papers the complaint merits a formal investigation as set out in paragraph 4.1 and the following provisions of Protocol 12 of the Wiltshire Council Constitution (Arrangements for dealing with Code of Conduct Complaints).
 - **'Code of Conduct'** means the code of conduct for members which the Council and Parish Councils are required to adopt under Section 27 of the Localism Act 2011.
 - **'Local Assessment Criteria'** are the arrangements made under Section 28 of the Localism Act 2011. They set out the process for dealing with a

complaint that an elected or co-opted member of Wiltshire Council or of a parish, town or city council within its area has failed to comply with their Code of Conduct.

- **'Party'** means the Subject Member and the Complainant
- The **'Hearing Sub-Committee'** is a sub-committee of the Council's Standards Committee appointed to determine complaints of member misconduct under the arrangements in Protocol 12 of the Constitution..
- The **'Assessment Sub-Committee'** is a sub-committee of the Council's Standards Committee appointed to make determinations under sections 4 and 6 of the arrangements in Protocol 12 of the Constitution. This can include voting and co-opted non-voting members of the Standards Committee.
- The **'Constitution'** means the Constitution of Wiltshire Council, which includes rules on public participation at committees and the code of conduct complaints procedure.

3. The Assessment

- 3.1. The Assessment is dealt with on the papers and is not to be treated as a hearing of the complaint itself, which can only be convened after an investigation has been concluded and a decision has been made under paragraph 6.1 of the arrangements for dealing with Code of Conduct Complaints referring the matter for hearing.

4. Attendance at Meetings

- 4.1. The Assessment Sub-Committee is a committee of the Council and as such the meeting shall take place in public, However, the Sub-Committee may exclude the public from all or part of the Assessment, by passing a resolution in accordance with Section 100A(4) of the Local Government Act 1972, where it considers that there is likely to be disclosure of exempt information and that it is in the public interest to do so . Given the nature of the issues to be considered by the Sub-Committee it is very likely that such a resolution would normally be appropriate at this stage in the process.
- 4.2. The Complainant and the Subject Member, as parties to the Review, would not be covered by such a resolution to exclude the public and press and may attend the Assessment Sub-Committee. However, the Sub-Committee will normally retire to consider their decision and return to inform the parties of their decision.
- 4.3. If a party has informed the Council that they do not intend to attend the Sub-Committee meeting, or have not given any indication as to whether or not they intend to attend, the Assessment will proceed in their absence. As it is an assessment on the papers, no adverse inference will be drawn from any parties' non-attendance at a meeting.
- 4.4. If a party has indicated an intention to attend the meeting, but is not present at the start of the meeting, the Assessment will proceed in the absence of that party, unless the Sub-Committee considers it necessary to adjourn the meeting to enable the party to attend and make their representations.

- 4.5. If a party does not intend to attend and speak to the meeting, they may submit a short written representation that will be taken into account by the Sub-Committee in reaching their decision.
- 4.6. In addition to the Sub-Committee members and any co-opted member, the meeting may be attended by one or more Independent Persons, Democratic Services Officer(s) and the Monitoring Officer.

5. Procedure

- 5.1. The Complainant and the Subject Member (or their representative) will be permitted up to three minutes to make any statement. If there is more than one complainant or subject member present, then, subject to the discretion of the Chairman, the maximum total time for statements by all complainants shall be three minutes. Any statements made should relate to the specific issues being considered by the Assessment Sub-Committee and should not raise any new issues or allegations.
- 5.2. Complainants and subject members for each complaint will be brought before the sub-committee to make a statement separate from any other complaint, except in the case of the same complaint submitted against multiple members
- 5.3. The Monitoring Officer will provide reports on any complaint that is to be assessed.
- 5.4. The report shall contain a summary of the complaint, supporting evidence, and response of the subject member, which aspects of a relevant code are alleged to have been breached, and options on whether to refer the complaint for investigation, dismiss the complaint, refer for alternative resolution, with reasoning for any recommended outcome.
- 5.5. The reports will also include in full any relevant material and supporting evidence provided by the complainant or subject member
- 5.6. No new documentation is to be introduced at the Sub-Committee meeting without the agreement of the Sub-Committee. New documentation should only be admitted if is considered by the Sub-Committee to be essential to its consideration of the issues in the Assessment
- 5.7. The Sub-Committee may take into account written representations made by, or correspondence from, a party that have been received since the publication of the agenda, where it is considered that this will assist the Assessment.
- 5.8. No questioning of the parties will be permitted, other than by the Sub-Committee with the agreement of the Chairman, to seek clarification of any point that has been made
- 5.9. Following any statements by the parties, the Assessment Sub-Committee will normally withdraw, with the Independent Person(s) if in attendance, and relevant officers, to consider the case.
- 5.10. Taking into consideration the documents provided, namely the original complaint, response of the Subject Member and any relevant additional material, the Sub-Committee will apply the tests required under paragraph 3 of the local assessment criteria, namely whether:
 - a) the complaint is about the conduct of a member of a council within the area of Wiltshire Council;

- b) the member was a member at the time of the incident giving rise to the complaint;
- c) the member remains a member of the relevant council; or, if not, that there are exceptional circumstances to justify a decision that it is in the public interest to continue to consider the complaint;
- d) a Code of Conduct is in force for the relevant council and provided;
- e) the matters giving rise to the complaint would, if proven, be capable of breaching that Code.

5.11. If the Sub-Committee are not satisfied that the criteria in a-e above are met, the complaint will be assessed as requiring no further action.

5.12. If the Sub -Committee are satisfied that a-e in para 5.7 above are met, they shall consider whether, under the rest of the local assessment criteria, the complaint should proceed to investigation. The Sub-Committee may also recommend any other suitable action, including mediation.

5.13. Before making any decision, the sub-committee will have regard to the views of an Independent Person. The Independent Person, if in attendance, may contribute to the discussion of the Sub-Committee at any time

6. Decision

6.1. The parties will be informed of the Sub-Committee's decision once it has been made and a full decision with written reasons shall be sent to the Complainant and Subject Member as soon as practicable thereafter.

7. Post-Investigation

7.1. If , following an investigation, the outcome of that investigation is a finding of no breach, the Monitoring Officer will prepare a report and recommendation to the Assessment Sub-Committee. This will be considered using the same procedure as detailed above.

Assessment Sub-Committee Meeting Procedure Summary

1. If appropriate, the Chairman invites those present to introduce themselves.
2. The Chairman outlines the Assessment Procedure as set out in the Agenda, makes any relevant announcements and asks for any declarations of interest.
3. The Sub-Committee determines whether to pass a resolution to exclude the press and the public from the rest of the meeting.
4. Each complainant and subject member will be given the opportunity to make a statement to the Sub-Committee of up to three minutes for each party. In the interests of confidentiality the subject members and complainants for separate complaints will be brought before the assessment sub- committee separately. A complaint made multiple members may be considered together.
5. The Monitoring Officer presents a report for each complaint requiring assessment.
6. Taking into consideration the evidence, namely the original complaint, response of the Subject Member and any relevant additional material submitted in the request for a review of the initial assessment, the Sub-Committee will then apply the tests required under paragraph 3 of the local assessment criteria, namely whether:
 - a) The complaint is about the conduct of a member of a council within the area of Wiltshire Council;
 - b) That the member was a member at the time of the incident giving rise to the complaint;
 - c) That the member remains a member of the relevant council, or, if not, that there are exceptional circumstances to justify a decision that it is in the public interest to continue to consider the complaint;
 - d) That a Code of Conduct for the relevant council is in force and has been provided;
 - e) That the matters giving rise to the complaint would, if proven, be capable of breaching that Code.
7. If the criteria in 6 a) to e) are met, the Sub-committee will consider whether, under the local assessment criteria, they feel the complaint should be referred for investigation or other suitable action, including mediation, or whether the complaint should be dismissed or no further action should be taken.
8. The Sub-Committee will request and receive the views of an Independent person in person or in writing at the beginning of their discussion.

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STANDARDS COMPLAINTS ASSESSMENT CRITERIA

The Monitoring Officer and Assessment Sub-Committee will adopt the approach and apply the criteria set out below in the assessment of complaints under locally adopted Codes of Conduct for Members.

1. Relevance

1.1 The criteria and procedures set out in this document only apply to complaints made against individual members that fall within the relevant code of conduct. It is likely that complaints will be received by the Monitoring Officer which do not relate to local codes of conduct for members. These might include complaints relating to the provision of services by councils; matters relating to the council as a corporate body (including decisions made by the council); or matters which should be dealt with under a council's complaints procedure. They may be complaints relating to council employees, other authorities or matters relating to a member's private life which do not fall within the remit of the Standards Committee.

1.2 Where complaints are received that are outside the scope of these procedures, the Monitoring Officer will advise the complainant that they cannot proceed under local codes of conduct, but that the complainant should contact the relevant council in order to bring a complaint under the appropriate alternative complaints procedure, where available.

2. Alternative resolution

2.1 The Monitoring Officer or Assessment Sub-Committee will always consider whether an alternative means of resolving the complaint would be appropriate.

3. Initial Tests

3.1 Before the assessment of a complaint begins, the Assessment Sub-Committee should be satisfied that:

- a) The complaint is about the conduct of a member of a council within the area of Wiltshire Council;
- b) That the member was a member at the time of the incident giving rise to the complaint;
- c) That the member remains a member of the relevant council, or, if not, that there are exceptional circumstances to justify a decision that it is in the public interest to continue to consider the complaint;

- d) That a Code of Conduct for the relevant council is in force and has been provided;
- e) That the matters giving rise to the complaint would, if proven, be capable of breaching that Code.

3.2 If the complaint fails one or more of these tests it cannot be investigated and no further action will be taken.

4. Sufficiency of information

4.1 As any assessment will be conducted solely on the papers provided, it is essential that the complainant provide sufficient information to enable the subject member and those responsible for assessing the complaint to understand the substance of the complaint. If insufficient information is provided, the Monitoring Officer will not normally proceed with consideration of the complaint. It is the responsibility of the complainant to provide any supporting evidence for their complaint to justify a full investigation.

4.2 If the complaint meets the criteria set out in 3. a-e above, and the complainant has provided sufficient information to enable the issues complained of to be understood, the Monitoring Officer will send a copy of the complaint to the subject member and ask for the subject member's comments. When these have been received, the Monitoring Officer will consider the complaint and provide a report and recommendation on it to the Assessment Sub-Committee, together with copies of the original complaint (and any supporting documentation) and the Subject Member's response.

4.3 At this assessment stage, the Assessment Sub-Committee will not normally consider any further representations or correspondence from either the complainant or subject member.

5. Seriousness of the Complaint

5.1 A complaint will not be referred for investigation if, on the available information, it appears to the Assessment Sub-Committee to be trivial, vexatious, malicious, politically motivated or 'tit for tat'.

5.2 A complaint will not normally be referred for investigation if the subject member has offered an apology, a reasonable explanation of the issues, or if the Assessment Sub-Committee takes the view that the complaint can reasonably be addressed by other means.

5.3 Bearing in mind the public interest in the efficient use of resources, referral for investigation is generally reserved for serious complaints where alternative options for resolution are not considered by the Monitoring Officer or Assessment Sub-Committee to be appropriate, particularly in

cases where a subject member is no longer a member of a relevant council.

6. Length of Time Elapsed

6.1 A complaint will not be referred for assessment when it is made more than 20 working days from the date upon which the complainant became, or ought reasonably to have become, aware of the matter giving rise to the complaint. Any such complaint will be dismissed by the Monitoring Officer, and will not be referred to the Assessment Sub-Committee, although the Monitoring Officer retains the discretion to refer a complaint for assessment that would otherwise be out of time, in exceptional circumstances.

6.2 In any event, the Assessment Sub-Committee may decide not to refer a complaint for investigation where, in their opinion, the length of time that has elapsed since the matter giving rise to the complaint means that it would not be in the interests of justice to proceed.

7. Anonymous Complaints

7.1 Anonymous complaints will not be accepted for consideration unless the Monitoring Officer is satisfied that there would otherwise be a serious risk to the complainant's personal safety, in which case the Monitoring Officer will decide how the complaint should be taken forward.

8. Multiple Complaints

8.1 A single event may give rise to similar complaints from a number of complainants. Where possible these complaints will be considered by the Assessment Sub-Committee at the same time. Each complaint will, however, be considered separately. If an investigation is deemed to be appropriate the Monitoring Officer may determine that, in the interests of efficiency, only one complaint should go forward for investigation, with the other complainants being treated as potential witnesses in that investigation.

9. Confidentiality

9.1 All information regarding the complaint will remain confidential to the parties until determined otherwise by the Monitoring Officer, Assessment Sub-Committee or Hearing Sub-Committee.

10. Withdrawing Complaints

10.1 A complainant may ask to withdraw their complaint before it has been assessed.

10.2 In deciding whether to agree the request the Monitoring Officer will consider:

- a) the complainant's reasons for withdrawal;
- b) whether the public interest in taking some action on the complaint outweighs the complainant's wish to withdraw it;
- c) whether action, such as an investigation, may be taken without the complainant's participation.

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