

Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 5 DECEMBER 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 Sam Pearce-Kearney, Gordon Ball and Cllr Trevor Carbin
(Substitute)

31 **Apologies**

Apologies were received from:

Councillor Gordon King who was substituted by Councillor Trevor Carbin.

32 **Minutes of the Previous Meeting**

The minutes of the meeting held on 5 September 2024 were presented for consideration, and it was,

Resolved:

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

33 **Declarations of Interest**

There were no declarations of Interest.

34 **Meeting Procedure**

The procedure and criteria were noted.

35 **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 36 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

36 **Assessment of Complaint: COC50363**

A complaint was submitted by Councillor Nicholas Holder, the Complainant, regarding the conduct of Councillor Gordon King, the Subject Member, of Wiltshire Council.

The complaint related to the Subject Member's conduct at a meeting of Full Council on 15 October 2024.

The Complainant alleges that, through their conduct, the Subject Member breached one or more (unspecified) of the Seven Principles of Public Life ("Nolan Principles"), which members of the Council are required to have regard to under the Code:

- 1.1 *Selflessness*
- 1.2 *Integrity*
- 1.3 *Objectivity*
- 1.4 *Accountability*
- 1.5 *Openness*
- 1.6 *Honesty*
- 1.7 *Leadership*

The Sub-Committee also considered whether the alleged conduct would, if proven, represent a breach of the following section of the Code.

5.1 I do not bring my role or local authority into disrepute.

Preamble

The Sub-Committee was satisfied that the initial tests set out in Protocol 11 had been met, in that the Subject Member was and remains a member of Wiltshire Council and that he was acting in his official capacity at the time of the alleged incident 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 the 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, the report of the Monitoring Officer and the view of the Independent Person.

The Sub-Committee also considered a verbal statement from the Complainant, and a verbal statement from the Subject Member, who were both in attendance.

Discussion

The complaint related to allegations that the Subject Member, after casting his own vote during a Full Council meeting, then used a second voting handset, allocated to Cllr X, a councillor who had previously been sat next to him, but had left the room, resulting in the Subject Member casting two votes.

The Subject Member stated that at the time of the action he had been momentarily distracted by an interaction with another member seated behind him (Cllr Y), who had gained his attention by calling his name, and then proceeded to tell him that he should cast Cllr X's vote. Unthinking, the Subject Member entered what he thought was Cllr X's vote into the voting handset allocated to the empty seat.

The Subject Member recognised the seriousness of his actions and stated that he did not deliberately or intentionally cause a breach of the Constitution.

The Sub-Committee considered a statement made by the Deputy Monitoring Officer clarifying that she was fully satisfied that officers had acted professionally and appropriately in dealing with the incident.

Conclusion

The Sub-Committee noted the Subject Member's acceptance that he had placed a second vote at the Full Council meeting on 15 October 2024, using the voting handset of the vacant seat next to him and in doing so his action had led to a clear breach of the Constitutional rules around voting.

The Sub-Committee recognised the importance of councillors' following the voting procedure set out in the Constitution and that councillors' individual votes were often an important matter of public record. It had been confirmed that the invalid vote had not been included in the formal vote total.

The Sub-Committee noted that the Subject Member fully accepted the breach of the Constitution, had recognised the seriousness of his actions and had offered an apology for his actions, which represented an appropriate resolution and that an investigation was not appropriate as set out under paragraph 6.3 of Protocol 11:

“6.3 Complaints will not normally be referred for investigation where the Subject Member has offered an apology, a reasonable explanation of the issues, or where the Assessment Sub-Committee considers that the matter can reasonably be addressed by other means. Investigation is normally reserved for serious complaints where alternative options for resolution are not considered appropriate.”

On consideration of the provision of an apology by the Subject Member, the Sub-Committee agreed that it would be appropriate to include this within the decision notice for publication within the minutes of the meeting.

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

It was;

Resolved:

In accordance with Protocol 11 - Arrangements for Handling Code of Conduct Complaints, adopted by Wiltshire Council on 24 July 2024 and after hearing from the Independent Person, the Assessment Sub-Committee determined to take no further action in respect of the complaint.

Apology text taken from the Subject Member's Submission documents:

Apology from the Complainant's response to the complaint

"I readily admit and apologise that during the afternoon of 15th October 2024 at the conclusion of the debate on Private Motor Vehicles I did unthinkingly make an error of judgement by casting a vote when prompted by another colleague. This action was never in my own mind and was never done fraudulently as claimed because nothing was to be gained from it."

Apology to the Monitoring Officer

"I do take full responsibility for my action and extend my sincere apology to Council, yourself, your staff and to Cllr X. In doing that I also extend my personal assurance that this has been (in more than one way) a lesson learned that will never be repeated."

Apology to Cllr X

"I write to inform you that I take full responsibility for all the actions and assertions taken and made by me. I extend my sincere and unreserved apology for any upset to you and your family that may have been caused."

(Duration of meeting: 1.30 - 2.15 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

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