

STANDARDS REVIEW SUB-COMMITTEE

DRAFT MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 10 JULY 2014 AT AVEBURY ROOM - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Desna Allen, Cllr Dennis Drewett and Cllr Horace Prickett

Also Present:

Caroline Baynes (Independent Person), Kieran Elliott (Senior Democratic Services Officer), Nina Wilton (Head of Governance and Deputy Monitoring Officer)

1 **Election of Chairman**

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

2 **Declarations of Interest**

There were no declarations.

3 **Exclusion of Public**

No members of the public were present for the meeting, and the Committee made no determination on whether or not to exclude.

4 **Review of an Assessment Decision: Reference WC 24/14**

The Deputy Monitoring Officer presented their report, setting out the details of the original complaint and submissions from the complainant and the subject member, and in particular the additional information submitted in the request for review of the initial assessment by the subject member, Councillor Simon Killane. The complaint related to four allegations against Councillor Killane in his capacity as a member of Malmesbury Town Council.

The Chairman led the Sub-Committee through the local assessment criteria which detailed the initial tests that should be satisfied before assessment of a complaint was commenced.

Upon going through the initial tests, it was agreed that the complaint related to the conduct of a member, that the member was in office at the time of the alleged incident and that the Code was in force at the relevant time.

The Sub-Committee then discussed the allegations and the evidence presented before reaching their conclusion.

Decision:

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 of the Standards Committee has decided:

- **To refer the allegation relating to the Malmesbury Town Council meeting on 15 April 2014 to the Monitoring Officer for investigation as a potential breach of the Code of Conduct for failing to promote and support high standards of public office.**
- **Not to refer the allegation relating to the telephone discussion on the 18 April 2014 (behaviour) for investigation – no further action will be taken on this element of the complaint.**
- **Not to refer the allegation relating to the Town Council meeting of 29 April 2014 (funding application) for investigation. No further action will be taken on this element of the complaint.**
- **To take no further action in respect of the allegations relating to the petition.**

Reasons for Decision

With regard to the first element of complaint (Cllr Killane's alleged behaviour at a meeting of Malmesbury Town Council on 15 April 2014) the Sub-Committee considered that the allegation that Councillor Killane behaved aggressively to the complainant could, if proven, amount to a breach of the code of conduct on the basis that it could represent a failure to promote and support high standards in public office. They therefore refer this element of the complaint to the Monitoring Officer for investigation.

With regard to the second element of the complaint (relating to the phone call on 18 April 2014), the Sub-Committee concluded that an investigation would not be able to reach a reliable conclusion as to the facts, and that the public interest would not therefore be served by referring the matter for investigation. They therefore determined that no further action should be taken on this element of the complaint.

With regard to the complaint about the deferral of a grant application by the football club, the Sub-Committee considered additional information provided by the subject member in his request for a review. The Sub-Committee considered that in his additional submissions Councillor Killane provided a detailed and reasonable explanation that a decision on the grant application should be deferred. They considered that the allegation, if proven, was not capable of breaching the code, and therefore determined that no further action should be taken on this element of the complaint.

With regard to the Facebook petition, the Sub-Committee upheld the decision of the Deputy Monitoring Officer for the initial assessment. They considered that if proven, the allegation is not capable of breaching the code, and that no further action should be taken on this element of the complaint.

(Duration of meeting: 1.15 - 2.00 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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