

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 19 FEBRUARY 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Dennis Drewett, Cllr John Noeken and Cllr Pip Ridout (Chairman)

Also Present:

Caroline Baynes

9 Election of Chairman

Resolved:

To elect Councillor Pip Ridout as Chairman for this meeting only.

10 Declarations of Interest

Councillor John Noeken declared that he was lightly acquainted with Councillor Andrew Roberts, subject member for WC-ENQ010, but not to a level which would preclude him partaking in the meeting, and would consider the matter with an open mind.

11 Exclusion of the Public

Resolved:

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 Item Numbers 4-6 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 **Review of the Consideration of an Investigator's Report: Reference WC-ENQ010**

The complainant, Mr Hart, alleges that Councillor Andrew Roberts refused to act on a formal complaint that Mr Hart submitted about an officer of Salisbury City Council. The initial complaint was dismissed but following a Review Sub-Committee on 19 May 2014 the matter was referred for investigation. The investigating officer's report concluded that no breach of the Code of Conduct had occurred, and the Monitoring Officer dismissed the complaint. The complainant subsequently requested a review of that dismissal.

The Sub-Committee were satisfied the initial tests that should be completed before assessment of a complaint is commenced as detailed under the local assessment criteria were met and 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 relied upon:

- The original complaint and the response from the subject member
- Initial assessment
- The additional information supplied in the complainant's request for a review of that initial assessment
- The Review Decision notice referring the matter for Investigation
- The Investigation Officer's report and complainant's comments on the report.
- The report and decision of the Monitoring Officer
- The request for review of the Monitoring Officer decision

The Sub-Committee upheld the reasoning of the Monitoring Officer following an investigation that no further action was required.

Having reviewed all the documentation, the Sub-Committee acknowledged that there had been delays in the processing of the complaint, but considered that the matter had been thoroughly investigated and supported the conclusion of that investigation as sound and reasonable on the evidence provided by all parties.

The Sub-Committee also acknowledged the complainant's stated concerns regarding the subject member's use of a franking machine from a solicitor's practice, but noted that this did not have a bearing on the allegation that the initial complaint had been properly investigated or the role of the subject member while dealing with that complaint, and as such was outside the scope of the review.

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 dismiss the complaint.

13 **Review of an Assessment Decision: Reference WC-ENQ078**

The complainant was the tenant of an allotment owned and administered by Box Parish Council. The parish council terminated the complainant's tenancy because they considered that he had breached the terms of his tenancy agreement.

The complainant considers that Councillor Lyons, in her capacity as Chair of the parish council, has been disrespectful and discourteous towards him by failing to overturn the parish council's decision to terminate the tenancy and in the manner in which the parish council terminated his tenancy.

The Sub-Committee were satisfied the initial tests that should be completed before assessment of a complaint was commenced as detailed under the local assessment criteria were met and 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 relied upon the original complaint and response from the subject member, initial assessment and the additional information supplied in the complainant's request for a review of that initial assessment.

The Sub-Committee upheld the reasoning of the Deputy Monitoring Officer in the Initial Assessment namely that the complaint related to an operational matter that would not, if proved, be capable of breaching the Code of Conduct.

The decision to terminate the complainant's tenancy and the manner of that termination was an operational decision of and dispute with the council, not a Code of Conduct issue relating to a specific member of the parish council.

If the complainant wishes to dispute a decision of the parish council over an operational matter, then this is for a Court to determine and it is not an appropriate subject matter for a code of conduct complaint.

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 dismiss the complaint.

14 **Review of an Assessment Decision: Reference WC-ENQ079**

The complainant was the tenant of an allotment owned and administered by Box Parish Council. The parish council terminated the complainant's tenancy because they considered that he had breached the terms of his tenancy agreement.

The complainant considers that Councillor Hartless, in her capacity as Chair of the Playing Fields Committee of the parish council, has been disrespectful and discourteous towards him by failing to overturn the parish council's decision to terminate the tenancy and in the manner in which the parish council terminated his tenancy.

The Sub-Committee were satisfied the initial tests that should be completed before assessment of a complaint was commenced as detailed under the local assessment criteria were met and 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 relied upon the original complaint and response from the subject member, initial assessment and the additional information supplied in the complainant's request for a review of that initial assessment.

The Sub-Committee upheld the reasoning of the Deputy Monitoring Officer in the Initial Assessment namely that the complaint related to an operational matter that would not, if proved, be capable of breaching the Code of Conduct.

The decision to terminate the complainant's tenancy and the manner of that termination was an operational decision of and dispute with the council, not a Code of Conduct issue relating to a specific member of the parish council.

If the complainant wishes to dispute a decision of the parish council over an operational matter, then this is for a Court to determine and it is not an appropriate subject matter for a code of conduct complaint.

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 dismiss the complaint.

(Duration of meeting: 2.00 - 2.35 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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