

Standards Assessment Sub-Committee

MINUTES OF THE STANDARDS ASSESSMENT SUB-COMMITTEE MEETING HELD ON 5 SEPTEMBER 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 and Cllr Sam Pearce-Kearney

22 **Election of a Chairman for 2024/25**

The Democratic Services Officer opened the meeting and called for nominations for Chairman for 2024/25.

It was;

Resolved:

That Councillor Ruth Hopkinson was elected as Chairman for 2024/25.

23 **Election of a Vice-Chairman for 2024/25**

Councillor Ruth Hopkinson in the Chair

The Chairman called for nominations for Vice-Chairman for 2024/25.

It was;

Resolved:

That Councillor Ernie Clark was elected as Vice-Chairman for 2024/25.

24 **Apologies**

There were no apologies.

25 **Minutes of the Previous Meeting**

The minutes of the meeting held on 11 June 2024 were presented for consideration, and it was,

Resolved:

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

26 **Declarations of Interest**

There were no declarations.

27 **Meeting Procedure**

The procedure and criteria were noted.

28 **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 29 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

29 **Assessment of Complaint: COC153376**

A complaint was submitted by Mr Shane Skelhorn, the Complainant, regarding the conduct of Councillor John Dalley, the Subject Member, of Rowde Parish Council.

to the Subject Member's interaction with the Complainant at the Rowde Parish Council allotment site, where it is alleged that the Subject Member prevented the use of a water tap and shouted at the Complainant, making reference to a lawsuit relating to a separate matter between the Complainant and the Parish Council.

During the incident the Subject Member allegedly spoke in an intimidatory voice, referred to another parish councillor as a 'Welsh bitch' and followed the Complainant when he attempted to disengage from the conversation.

The Complainant believes 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 intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Preamble

The Sub-Committee were satisfied that the initial tests of the assessment criteria had been met, including that the Subject Member was and remains a member of Rowde Parish Council, that a copy of the relevant Code of Conduct was provided for the assessment, and that the Subject Member was acting in their capacity or could reasonably be perceived to be acting in their capacity as a Member during the alleged actions.

The Sub-Committee also 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 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 noted the Complainant and Subject Member had declined a prior attempt to resolve the complaint through alternative resolution.

The Sub-Committee also considered the written statement from the Complainant, and the verbal statement from the Subject Member provided at the Assessment Sub-Committee meeting.

Discussion

The Sub-Committee considered the summary of allegations as set out in the report, highlighting actions of bullying, disrespect, and the disclosure of information relating to a separate matter between the parish council and the Complainant.

The Complainant alleged that the Subject Member had shouted at him making reference to a lawsuit between the Complainant and Rowde Parish Council, which the Complainant states is not factual. In addition it is alleged that threats of releasing his address details to others in the village who were currently not happy with the Complainant due to a separate matter.

The Complainant alleges that the Subject Member prevented him from using or approaching the water tap on the allotment but let other allotment users present to use the tap with no warning of health and safety risks.

The Sub-Committee considered the Complainant's statement in which he responded to the Subject Member's account of the alleged incident, noting his concern for his safety at the time and since the incident.

The Sub-Committee considered the Subject Member's statement in which he contends the Complainant had approached him and his brother in an aggressive manner, appearing unsteady on his feet.

The Subject Member stated that he did not prevent the Complainant from using the water tap but had asked him not to come any closer due to a hole in the ground near to the water pipe that his brother was in attendance to fix.

The Subject Member stated that he was not in attendance in his capacity as a councillor, but in a personal capacity to meet with his brother, who had been commissioned by the Parish Council to carry out work.

The Subject Member refuted the allegations that he swore or used bad language during the interaction and stated that there were witnesses to the event who had offered to provide statements to support his version of events.

The Sub-Committee noted the advice provided to the Subject Member at the meeting that the council has a statutory responsibility to process every code of conduct complaint received, as it was not within the powers of individual parish or town councils to do so themselves. Regardless of whether a Subject Member believed themselves to be free of blame, the role of the Sub-Committee was to assess the elements of a complaint against the criteria to establish whether it is appropriate to progress the complaint forward for an investigation.

The Sub-Committee considered the guidance as set out in the report.

Conclusion

The Sub-Committee agreed that it was reasonable for it to be perceived that the Subject Member was acting in their official capacity of an elected member during the alleged incident, as the Subject Member was in attendance to oversee the water tap repair work being carried out by the Subject Member's brother, work which had been commissioned by the parish council. In addition, during the exchange between the Complainant and the Subject Member, Parish Council business was referred to by the Subject Member.

The Sub-Committee agreed that, if proven, some of the Subject Member's alleged actions could represent a breach of the relevant Code of Conduct. However, the Sub-Committee agreed that on balance, it was not appropriate to refer the matter for investigation, taking into account the efficient use of public resources. This was because an investigation was unlikely to be able to reach a firm conclusion on the facts of the event in question given the limited available witnesses.

Notwithstanding the reasoning for not referring the matter for investigation, the Sub-Committee wished to advise the Subject Member to consider the language and tone used in exchanges with parishioners more carefully in future to ensure

that it was appropriate to his role and in compliance with the Code of Conduct. They noted the manner in which the Subject Member had spoken at the Sub-Committee meeting when making his statement and agreed that it was disrespectful and aggressive in tone towards themselves and the Complainant.

Although councillors rightly had strong protections on freedom of speech, some speech was capable of crossing the line into behaviours which were in breach of a Code of Conduct, particularly in relation to direct personal attacks unrelated to political debate and expression. In the case of the complaint, although the Sub-Committee had determined not to proceed for the reasons stated above relating to evidentiary issues, if they were ultimately proven to be factual the Subject Member's alleged conduct could have represented a direct personal attack.

The Sub-Committee also wished to reiterate the advice provided at the meeting that the Council has a statutory duty to look into all code of conduct complaints.

The Sub-Committee consulted the Independent Person who was in agreement with the considerations of the Sub-Committee.

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.

30 **Update on Complaint: COC150777**

The Sub-Committee received an update on complaint COC150777, which had been referred for investigation by the Sub-Committee on 21 March 2024. Following an investigation, the complaint had been resolved via alternative resolution by the Monitoring Officer.

(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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