

STANDARDS REVIEW SUB-COMMITTEE

MINUTES OF THE STANDARDS REVIEW SUB-COMMITTEE MEETING HELD ON 8 JULY 2015 AT SALISBURY ROOM - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Trevor Carbin Cllr Dennis Drewett and Cllr Pip Ridout and Mr John Scragg (non-voting)

Also Present:

Mr Paul Taylor, Mr Stuart Middleton

15 Election of Chairman

Resolved:

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

16 Declarations of Interest

There were no declarations.

17 Exclusion of the Public

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 Agenda Item Number 4 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

18 **Review of an Assessment Decision: Reference WC-ENQ096**

The Sub-Committee was satisfied that the initial tests, which should be completed as part of the local assessment criteria, had been correctly undertaken. The Sub-Committee 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 of Conduct was in force at the relevant time.

The complaint sets out a number of alleged breaches of the Code during a meeting of the Southern Area Planning Committee that Councillor Fred Westmoreland was chairing, where it is alleged his actions as detailed in the agenda papers breached the Nolan principles set out in the Code of Conduct.

The Sub-Committee relied upon the original complaint a, initial assessment and the additional information supplied in the complainant's request for a review of that initial assessment.

Although the initial complaint had set out a number of alleged breaches, only one had been named in the request for a review of the initial assessment decision to dismiss the complaint, As the request for review had only been in relation to that point, that the subject member had exhibited sexism toward a female member of the committee, the Sub-Committee did not review the decision of the deputy monitoring officer in relation to the other alleged breaches of the Code of Conduct.

The Sub-Committee upheld the reasoning of the Deputy Monitoring Officer in the Initial Assessment that the alleged incident would not, if proved, be capable of breaching the Code of Conduct. There was insufficient evidence, in particular no comment or complaint from the alleged focus of the subject members' behaviour, to proceed with further assessment of the complaint.

The Sub-Committee did however advise that the subject member, and all members, be more mindful of their responsibilities when chairing a meeting, to ensure that all committee members are treated equitably to avoid a possible perception of unfairness or bias

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.

19 **Review of an Assessment Decision: Reference WC-ENQ093**

The Sub-Committee relied upon the original complaint against Councillor Roger Drurie of Great Bedwyn Parish Council in relation to a dispute over the replacement of fencing around a memorial stone, minutes in relation to the actions, and the behaviour of Councillor Drurie toward the complainant, the initial assessment and the additional information supplied in the complainant's request for a review of that initial assessment.

The Sub-Committee was in agreement with the reasoning of the Deputy Monitoring Officer that issues 1 to 4 as detailed in the agenda papers were in relation to the conduct of the Parish Council rather than the specific behaviours of the subject member, even if the subject member was the person whom the complainant has had or attempted principal contact with. They are not therefore within the remit of the Sub-Committee as they are not Code of Conduct matters. In particular, a dispute on the lawfulness of the Parish Council's actions would be a matter for the courts to determine. The Sub-Committee as a result took no view on the legality or otherwise of those actions.

In relation to issue 5, where the complainant felt insulted by comments made by the complainant, the Sub-Committee was satisfied that the initial tests, which should be completed as part of the local assessment criteria, had been correctly undertaken. The Sub-Committee 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 of Conduct was in force at the relevant time.

The Sub-Committee assessed the complainant's submissions in their request for review, and did not consider that the additional material undermined the reasoning of the Deputy Monitoring Officer that, while the reference to the complainants' relationship to the subjects of the commemoration stone was unwise and caused some distress to the complainant, this did not rise to the level that would amount to a breach of the Code of Conduct.

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: 12.00 - 1.00 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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