

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **STANDARDS COMMITTEE**

Held on: **WEDNESDAY 13 OCTOBER 2004**

Held in: **OCTAGON SUITE, COUNCIL OFFICES,
BRADLEY ROAD TROWBRIDGE**

Present:

District Council Representatives: Ernie Clark and Eli Mannaseh

External Representatives: Tony Frost (Chair), Margaret Ellwood and Keith West (Vice Chair)

Town/Parish Representatives: Horace Prickett

Also Present: Councillors Content, Davies, Hawker, Newbury, Osborn and Viles

Officers: Legal & Democratic Services Manager.

86. APOLOGIES AND CHANGES OF MEMBERSHIP

Apologies were received from Mary Stacey.

87. MINUTES

The minutes of the meeting on 14th July 2004 were approved as a correct record and signed by the Chairman.

88. DECLARATIONS OF INTEREST

Ernie Clarke and Tony Frost declared a personal and prejudicial interest in minute 95.

Ernie Clark noted that he had been present at the meeting that was the subject of the correspondence in minute 94. He had an open mind on the matter and did not believe there was either a personal or prejudicial interest.

89. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman

90. ASSESSMENT OF THE OPERATION OF THE CURRENT COMPLAINTS PROCEDURE

The Legal and Democratic Services Manager introduced a report about the current Complaints Procedure which was introduced a little while ago.

The three stage complaint process was discussed. The Committee was interested to see if there was any pattern in complaints and whether there were any identifiable causes when Stage 3 complaints did not satisfy complainants.

The authority is working on a unified complaints procedure where all officers have access to a report log showing all of the complaints made against the authority. It should result in efficiencies in processing complaints, but also result in a more consistent approach.

RESOLVED:

That

- (i) the report be noted; and**
- (ii) that a report be brought to the Standards Committee in about 6 months time giving details of the number of complaints received, the stage at which they are resolved and comments on why any Stage 3 complaints are not resolved.**

91. THE ROLE OF THE STANDARDS COMMITTEE WHEN COMPLAINTS ARE MADE TO ITS MEMBERS

The Legal and Democratic Services Manager introduced a report on the role of the Committee. The subject had arisen following contact with members of the Standards Committee by members of the public who have been concerned about conduct related to the authority

At present the Standards Committee has no formal role in dealing with these matters, and there is no guidance as to what should be done when approaches such as this are made. Members of this Committee considered whether the formal complaints procedures should be amended to include a reference to the function of the Standards Committee. The current Guide to the Complaints Procedure entitled "How to Complain" was considered.

RESOLVED:

That:

- (i) the report be noted; and**
- (ii) that the Guide to complaints be amended to include a reference to the role of the Ombudsman and to clarify the**

role of the Committee in dealing with complaints and standards.

92. WORK PROGRAMME

The Work Programme was considered and suggestions made for inclusion in a revised work programme.

RESOLVED

That a revised work programme be prepared to include the suggestions made and be brought to the next meeting.

93. UPDATE ON MEMBER AND OFFICER RESPONSIBILITIES

The Legal and Democratic Services Manager introduced a report about the progress in dealing with member and officer responsibilities. The Standards Committee considered a report on the Officers Code of Conduct at its meeting on 14 July 2004. The report was duly noted with a request for the Code to be drafted, but the long awaited National Code has since been published in draft for consultation

RESOLVED:

That the report be noted and that the Legal & Democratic Services Manager be requested to respond on behalf of the authority with such points that consultees return in time for inclusion in the response.

94. ACTION TAKEN FOLLOWING CONCERNS RAISED BY COUNCILLOR CHIVERS AND COUNCILLOR NEWBURY

The Legal and Democratic Services Manager introduced a report about a letter sent by Cllr Newbury to the Chief Executive dated 16 May 2004.

Cllr Newbury wrote to the Council to express concern about the declarations of interest made at meetings of the Planning Committee earlier this year. Cllr Chivers was concerned about the matters raised by Cllr Newbury.

The matters referred to could form the basis of a complaint to the Standards Board for England if someone wished to do so. No complaints have been made to the Board on this subject. The Legal Services Manager had written on the subject to the appropriate parties whilst ensuring that the Council remained able to deal with any referral made by the Standards Boards for England if the matter was the subject of a complaint.

Cllrs Davies, Hawker, Newbury and Osborn spoke on the subject. Cllr Newbury felt that there were lessons for all concerned, himself included.

RESOLVED:

That the report be noted.

95. REQUEST FOR DISPENSATIONS FROM HILPERTON PARISH COUNCIL ON THE MATTER OF THE HILPERTON GAP RELIEF ROAD

Ernie Clark and Tony Frost left the room for this item having declared a personal and prejudicial interest in the matter. This item was chaired by Keith West.

Wiltshire County Council has promoted a route for the Hilperton Gap Relief Road running through a piece of land known locally as the Hilperton Gap. The final route will clearly have an impact on those within the village, and has been a matter of local controversy.

The Parish Council is a statutory consultee on the planning application and will need to respond to the matter. Clearly a number of the parish councillors may also be affected by the proposed route and the change in traffic around the village.

The Legal and Democratic Services Manager presented a report detailing the requests for dispensations for members of Hilperton Parish Council. All but one of the councillors live sufficiently close to the route that the change in the alignment is likely to give a personal and prejudicial interest. Dispensations were recommended for a sufficient number of councillors to enable the Parish Council to conduct its business and give a response to the consultation.

A number of the choices were relatively simple as the properties were sufficiently distant from the new bypass as to make little immediate difference no matter which option was chosen. Any bypass would be likely, however, to increase traffic flows and most councillors lived within an area where the noise from increased traffic flows might affect property values. Some lived in locations where an additional visual impact from the road and its construction was possible.

RESOLVED:

That :-

- (i) That those councillors who did not apply for a dispensation are not granted one.
- (ii) That the following councillors have a personal interest and do not require a dispensation:
David Tucker; Whaddon Grove Farm, Trowbridge
- (iii) That the following councillors have a prejudicial interest and should be granted a dispensation in the terms set out at Appendix 4 to the report:
Brian Cullern; 8, Cresswell Drive, Hilperton
Viv Adam Bielicki; 14 Faverolle Way, Hilperton
Kenrick Jackson; Honeysuckle Cottage, 126 Devizes Rd, Hilperton
Shiela Sawyer; 72A Hill Street, Hilperton
Dennis Drewett; 54 Hill Street, Hilperton
Malcolm Duff; 222 Church Street, Hilperton
Celia Beckett 212 Church Street, Hilperton
- (iv) That the following councillors should not be granted a dispensation:
Mary Keates; Innisfree 23^B, Horse Road, Hilperton
Mrs K.Hayes; Stable Cottage, 32 Horse Road, Hilperton
J.R.J Willis; 352 Horse Road, Hilperton
Ernest Clark; 3 Stonelea, Hilperton
Robert House; 117^A Trowbridge Road, Hilperton

96. STANDARDS BOARD FOR ENGLAND UPDATE

The Legal And Democratic Services Manager presented a report about various matters involving the Standards Board for England.

A few complaints against the members of the authority have remained under investigation by the Standards Board for England. Only one remained outstanding.

The Standards Board has published the second review of the Case Review. It gives details of the determination of complaints made in the recent past. The report highlighted a few of the important decisions.

The Standards Board publishes a summary of issues raised at the annual conference. A copy of the summary paper was presented to the committee.

RESOLVED:

That

- (i) this report be noted; and
- (ii) the members of the Standards Committee be informed immediately when the result of the outstanding investigation against a West Wiltshire District Councillor is published and

that a summary of any finding be brought to the next available Standards Committee.

DATE OF NEXT MEETING

The date of the next meeting was scheduled for Wednesday 8 December 2004 but it will be finalised in accordance with the Chairman's availability. It will take place in the Council Chamber at the Council Offices, Bradley Road, Trowbridge

(7.00pm – 8.45pm)

These minutes were prepared by Simon Best; Legal and Democratic Services Manager. The Member Support team can be contacted on direct line 01225 770322 or email mstimpson@westwiltshire.gov.uk.

DATE OF NEXT MEETING

The next scheduled meeting will be held on Wednesday 8 December 2004 at 7pm in the Octagon Suite at the Council Offices, Bradley Road, Trowbridge