

## **WEST WILTSHIRE DISTRICT COUNCIL**

### **MINUTES**

Minutes of the: **STANDARDS COMMITTEE**

Held on: **WEDNESDAY 8 DECEMBER 2004**

Held in: **COUNCIL CHAMBERS, COUNCIL OFFICES,  
BRADLEY ROAD TROWBRIDGE**

Present:

District Council Representatives: Sophie Farkas and Eli Mannaseh

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

Town/Parish Representatives: Horace Prickett and Mary Stacey

Also Present Sarah Content, Jeff Osborn and Bill Viles

Officers: Legal & Democratic Services Manager and Temporary Member Support Officer (M.S)

#### **97. APOLOGIES AND CHANGES OF MEMBERSHIP**

Apologies were received from Cllr Clark

#### **98. MINUTES**

The minutes of the meeting on 13<sup>th</sup> October 2004 were approved as a correct record and signed by the Chairman subject to Mary Stacey receiving a report, which accompanies minute number 96.

#### **99. DECLARATIONS OF INTEREST**

There were no declarations of interest

#### **100. CHAIRMAN'S ANNOUNCEMENTS**

Simon Best, with permission of the Chairman, apologised copiously for the lateness of the reports. The Chairman informed members that should they feel they had not had sufficient time to assimilate any of the reports then these could be discussed at the next meeting.

**101. PROCEDURE FOR COMPLAINTS MADE TO THE STANDARDS COMMITTEE**

The Legal and Democratic Services Manager introduced a report detailing the procedure for complaints made to members of the standards committee by members of the public. He suggested that they might wish to use the example letter attached if complaints are received, therefore enabling members to respond without comprising their position if the complaint is later referred to the Committee of the local determination. The letter will also reassure the complainant that the Council does recognise the complaint.

Keith West commented that the letter is not in a format that uses plain English and asked if this could be revised to be more user friendly. Simon Best agreed and said the letter would be redrafted to include better language.

Mary Stacey suggested that a numbering system be introduced to log letters for easier reference. Simon Best again agreed that this would be a good idea and would confer with Member Support to decide how best to introduce this idea.

**RESOLVED:**

- (i) That the report be noted; and**
- (ii) That the draft letter brought to the Standards Committee be used to respond to complaints made to members of the Standards Committee, as amended during the debate**

**Circulating it for member's comments after altering the language used**

**102. STANDARDS BOARD FOR ENGLAND – GUIDANCE FOR MONITORING OFFICERS AND STANDARDS COMMITTEES**

Simon Best explained the new guidance that has been issued by the Standards Board for England about the manner in which Local Authority (Code of Conduct) (Local Determination) Regulations 2003 and the Local Authority (Code of

Conduct) (Local Determination) Regulations 2004 should be put into effect if a matter is referred for local determination.

It is felt that although no official notification has been given the Standards Board is providing the information so that the guidance will become operational from early 2005. The Committee will be notified of any investigation being undertaken by the Monitoring Officer. If it is an urgent case the matter will be circulated otherwise the case will be heard at the next Committee meeting.

Additional breaches or complaints of obstruction are matters that require referral to the Ethical Standards Officer for further consideration. It was stressed at the meeting that only one letter of request for the case to be returned to the Ethical Standards Officer is permitted.

The Standards Board for England expects the investigation to be carried out confidentially, but accepts that it may not always be possible to achieve, which Members need to be aware of.

Reports of investigation are required but whoever is involved with the report cannot then give advice to the Committee. To enable the process to run with the minimum amount of risk of being challenged two senior legal officers are required, one of which can be Simon Best. This then leaves an employment vacancy for 1 other senior legal officer, hence the recommendation number 2.

Cllr Manasseh questioned that extra support would also be required in terms of administration. Simon Best agreed that extra administration staff would be required to deliver the highest possible standard. If a complaint had to be investigated now it is likely that Peter Woodcock would act as Monitoring Officer enabling Simon Best to this be able to give advice to the Committee. Any admin would be organised by the legal team.

The Chairman queried if it would be possible to use other Officers either within the District, County or from other areas. Simon Best agreed that the Monitoring Officers role could be sub contracted out, however it would raise concerns due to the technical matters of local government law, but was a possibility.

**RESOLVED:**

**That:**

- (i) the report be noted as a summary document**
- (ii) that the report be placed before Cabinet so that it is aware of the need for at least two trained officers able to perform the necessary investigatory and advisory roles.**

**103. STANDARDS BOARD FOR ENGLAND – LOBBY GROUPS, DUAL HATTED MEMBERS AND THE CODE OF CONDUCT**

The Standards Board for England has issued a guidance note about the manner in which members of lobby groups or those sitting on more than one authority should register and declare interests.

Simon Best informed members that it gave very useful information especially on p9 – on the subject of predetermination and also on p15.

The Chairman requested that a list be compiled of all the current guidance books committee members should have. Simon Best agreed that this would be very useful and said he would organise this to be done.

**RESOLVED:**

**That:**

- (i) the report be noted**
- (ii) that Monitoring Officer be asked to put procedures in place to ensure that all new members of the authority should receive a copy of the Guidance upon acceptance of their offer**

**104. STANDARDS BOARD FOR ENGLAND – REGISTERING OF INTEREST AND FREEMASONRY – REVISED ADVICE**

The Standards Board for England has issued revised advice, further to that issued earlier in the year.

The revised advice is contained within the letter issued to all Standards Committee members, but can also be found on the Standards Board for England website – [www.standardsboard.co.uk](http://www.standardsboard.co.uk) – FAQ (number 38). In summary it states that not all Freemasons are members of the Grand Charity and where the lodge is charitable, whether registered as a charity or not, then registration is required.

**RESOLVED:**

**That:**

- (i) the report be noted**

**105. REVIEW OF THE CONSTITUTION – CONSTITUTIONAL REVIEW GROUP MEETING NOTES TO DATE**

Simon Best informed the Committee that the Constitutional Review Group has begun to meet. Any suggested reforms to the Constitution that arise from its work will need to be considered by the Standards Committee for scrutiny. The information given at the meeting was purely for information at this stage so those members can see how the group and its work are evolving.

Councillor Manasseh stated that there are no representatives from the labour group sitting on the Constitutional Review Group therefore an equal balance cannot be achieved. Simon Best responded that the Constitutional Review Group is a group and not a committee and membership is by invitation of the leader. Simon recommended that Councillor Manasseh might wish to make a recommendation to the Leader or to Cabinet.

**RESOLVED:**

**That:**

- (i) the report be noted**
- (ii) the political balance is reviewed**

**106. COMPLAINTS MONITORING AND LIKELY IMPACT OF STAFF TURNOVER UPON ITS EFFECTIVENESS**

**RESOLVED:**

**That the report be noted and that a report later in 2005 brought to this committee once the complaints monitoring system has been introduced**

**107. WORK PROGRAMME**

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

**RESOLVED:**

**That the work programme be noted**

**108. STANDARDS BOARD FOR ENGLAND – COMPLAINTS UPDATE**

At the last meeting of the Standards Committee there was one complaint remaining before the Standards Board for England. A further complaint has since been added to the list. The new complaint was one of three made following the last meeting of the committee. Two of the three complaints were dismissed and the complaint outstanding has been referred to the Ethical Standards Officer and concerns planning related matters. The complaint is in a backlog and is unknown if a report has been issued; however it may be issued before Christmas.

**RESOLVED:**

**That the report be noted**

**DATE OF NEXT MEETING**

The next meeting is scheduled for Wednesday 26 January 2005 at 7pm in the Octagon Suite at the Council Offices, Bradley Road, Trowbridge

(6.57pm – 7.59pm)

These minutes were prepared by Melanie Stimpson; Temporary Member Support Officer who can be contacted on 01225 770322 or email [mstimpson@westwiltshire.gov.uk](mailto:mstimpson@westwiltshire.gov.uk).