

**THESE MINUTES WILL BE PRESENTED TO THE NEXT MEETING ON 1 SEPTEMBER 2005
FOR APPROVAL AS A CORRECT RECORD**

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **STANDARDS COMMITTEE**

Held on: **WEDNESDAY 1 JUNE 2005**

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

Present:

District Council Representatives: Ernie Clark & Sophie Farkas,

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

Town/Parish Representatives: Mary Stacey and Horace Prickett

Also Present Tony Phillips

Officers: Legal & Democratic Services Manager (SB) and Member Support Officer (JM)

136. APOLOGIES AND CHANGES OF MEMBERSHIP

Apologies were received from Margaret Ellwood and Eli Manasseh

137. MINUTES

The minutes from the meeting on 27 April were approved as a correct record and signed by the Chairman.

Mary Stacey asked the Committee to note that the new format of the Minutes was no particularly helpful and appeared to be wasteful of paper.

The Chairman asked the Legal and Democratic Services Manager to note the comment and report it to the appropriate internal contact.

138. DECLARATIONS OF INTEREST

None

139. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the new Chair of the Scrutiny Committee

140. WESTBURY BY-PASS

Malcolm Pearce raised concerns over anomalies in the dispensations for Westbury By-Pass. He commented that the dispensations mechanism was unfair and that the manner in which the dispensation mechanism had been exercised by two different legal officers was inconsistent. Mr Pearce requested a neutral member to re-appraise the situation.

The Legal and Democratic Services Manager stated that the legal mechanism for dispensations was set out in Regulations. He added that whilst he had views on the difficulties caused by the system the Regulations were binding, allowing no more than 50% dispensations to be granted.

The Legal and Democratic Services Manager noted that whilst two law officers may appear to have given different advice the recent advice to Westbury Town Council from Simon Best was a repetition of the guidance given by Gareth Owens. However the Committee was more than able to review this advice and the Legal and Democratic Services Manager would make a law officer available who was not involved in the original decisions to ensure independence of advice.

141. LOCAL DETERMINATION

The Legal and Democratic Services Manager informed the Committee that locum support would be made available to assist the Committee in the event of a conflict of interest arising between the Monitoring Officer and a member whose case had been referred for Local Determination following advice received from the Monitoring Officer.

142. COMPLAINTS MONITORING

The Legal and Democratic Services Manager informed members of the completion of the Project Specification for the revised Complaints Monitoring System. The implementation of the system had been included in list of IT projects for summer 2005, but the sad loss of the IT manager had delayed the implementation of a number of projects, and this was one which had been affected.

The Legal and Democratic Services Manager apologised for the omission of the Specification from the copies of the report and said that they would be circulated with the Minutes of the meeting. The Chair replied that they looked forward to receiving the specification.

143. STANDARDS BOARD FOR ENGLAND – COMPLAINTS UPDATE

The Legal and Democratic Services Manager informed the Committee that there were two complaints outstanding and advised the Committee on the possible timescales involved.

The Chairman felt that the delay of the Standards Board for England in being able to conclude the matter was unfortunate and requested that the Legal and Democratic Services Manager write to the panel, on behalf of the Committee to express its concerns and ask for the matter to be determined as soon as would be reasonably practicable.

144. REVIEW OF CONSTITUTION

The Legal and Democratic Services Manager gave a presentation on the Constitution and talked about the need to create a new constitution. The Legal and Democratic Services Manager asked the Committee to consider what role it wished to play in any future constitutional arrangements.

The Vice Chair asked if there had been any conduct that warranted action by the Committee and the Legal and Democratic Services Manager replied through the Chair that any no immediate action was required. Counsel's advice on the recent changes to the Constitution had been taken and although some of the complications were apparently avoidable they were not apparently unlawful.

Resolution:

The Committee decided that a new Constitution should be drawn up. The Committee would like to be involved in any Working Group dealing with revisions to or replacement of the Constitution. The Committee felt that lower cost options for a new constitution should be considered, including using a constitution from a neighbouring authority.

Cllr Clark would like to be involved from the beginning and Horace Prickett would also like to attend

The Legal and Democratic Services Manager will draw up and circulate a letter from the Chair to Chief Executive summarising their decision.

145. REVIEW MEMBERS ATTENDANCE

It was proposed that a joint meeting be held with the Scrutiny committee to investigate, or agree, work to be carried out by either committee. Cllr Phillips stated that the next Scrutiny Committee would discuss joint working at a meeting to be held on 14th June.

Resolved:

Horace Prickett would attend the next Scrutiny Committee on 14th June with the Vice Chair.

It was also agreed that the attendance records for members be circulated with the next minutes.

146. WORK PROGRAMME

The Legal and Democratic Services Manager apologised for the mock hearing papers not having been circulated with previous minutes but will arrange to have this done before the next Committee Meeting. He will also circulate the draft work programme for the members to approve.

DATE OF NEXT MEETING

The next Scheduled meeting will be held on Wednesday 1 September 2005 at 7.00 pm in the 8trium at the Council Offices, Bradley Road, Trowbridge.

These minutes were prepared by Janette Massey; Member Support Officer who can be contacted on 01225 770322 or email jmassey@westwiltshire.gov.uk.