

**These minutes will be presented to the next meeting
for approval as a correct record**

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **STANDARDS COMMITTEE**

Held on: **WEDNESDAY 25 JANUARY 2006**

Held in: **THE 8TRIUM, BRADLEY ROAD TROWBRIDGE**

Present:

District Council
Representatives: Cllrs Ernie Clark, Marion Clegg, Sophie Farkas and Eli
Manasseh

External
Representatives: Tony Frost (Chairman), Dr Kurt Paulus and Keith West

Town/Parish
Representatives: Horace Prickett (part) and Mary Stacey

Also Present Cllrs Sarah Content, Christopher Newbury, Tony Phillips, Bill
Viles and Nicola Mathiason (Legal and Democratic Services
Manager as of 6 March 2006)

Officers: Corporate Director and Monitoring Officer (TD), Acting Legal
& Democratic Services Manager (GC) and Member Support
Officers (MS, SK)

1. APOLOGIES AND CHANGES TO MEMBERSHIP

No apologies were received. The Chairman informed the Committee that at the Council meeting on 9 November it was resolved that:

Dr Kurt Paulus be appointed as an independent member on the Standards Committee and;

It noted the reappointment of Horace Prickett and Mary Stacey as Parish and Town representatives on the Standards Committee.

2. **MINUTES**

The two sets of minutes from the meeting on 25 October were approved as a correct record and signed by the Chairman.

Mary Stacey enquired if it was a legal requirement to not only receive, but also accept apologies. A Town Clerk had recently been on a course where it had been made aware that this should be standard practice. This was also the practice of Westbury Town Council. The Acting Legal and Democratic Services Manager was not aware that apologies had to be accepted.

RESOLVED:

That the Acting Legal and Democratic Services Manager investigate if the standard practice for meetings should be to 'receive and accept' apologies.

3. **DECLARATIONS OF INTEREST**

The following councillors declared an interest in agenda item - 'Local Determination':-

Cllr Marion Clegg Personal Interest

Cllr Eli Manasseh Personal and Prejudicial Interest. Would both leave the
Cllr Horace Prickett room when the item was discussed.

Cllr Stacey Knew one of the subject Councillors but not well enough
to leave the room

4. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Nicola Mathiason, the new Legal and Democratic Services Manager, and Dr Kurt Paulus to the meeting.

5. **ADOPTION OF THE NEW CONSTITUTION – ROLE OF THE STANDARDS COMMITTEE**

The Acting Legal and Democratic Services Manager presented a report to Members which highlighted parts of the Constitution which were particularly relevant to the Standards Committee. It was explained that page 9, 'Hearing Procedure Summary' was not part of these papers and was inserted in error.

Article 9.04 stated the role and function of the Standards Committee. This included the monitoring of the Constitution and recommending to Council any changes. This function would become operational from the Council meeting on 12 April 2006.

The Chairman had discussed with the Acting Legal and Democratic Services Manager the possibility of providing an index alongside the constitution. The Acting Legal and Democratic Services Manager explained that currently it would be difficult to produce, however once the Constitution was available electronically this would be available in electronic format.

It was asked how the Standards Committee would perform its monitoring role, for example, of the constitution. The Chairman agreed this needed to be addressed and already had highlighted this as an issue for the work plan.

6. STANDARDS BOARD FOR ENGLAND – COMPLAINTS UPDATE

OPEN FORUM – MR FRANCIS MORLAND

The Chairman explained that the report did not include a recommendation, but he would propose one.

In response to a question from a member of public the Acting Legal and Democratic Services Manager explained that the purpose of the item was to draw any learning points from the case. The Standards Committee had no role in reviewing the case and therefore the details of the Councillor concerned were not relevant to the item.

RESOLVED:

That the Standards Committee;

Note the report and request that an advisory note be brought to the next meeting for consideration by the Standards Committee prior to being issued to all members of the Council

7. PROPOSED CHANGES TO ARRANGEMENTS FOR DEALING WITH COMPLAINTS

OPEN FORUM – MR FRANCIS MORLAND

The Acting Legal and Democratic Services Manager explained that there was continuing change regarding the Standards Board for England. The Office of the Deputy Prime Minister had concluded its consultation exercise on the review of the Code of Conduct in English Local Government.

The outcome of that exercise, so far, was that the Standards Board for England would focus on a central strategic role to promote consistently high standards of conduct. This would therefore result in an increasing number of cases being referred for local investigation and determination and raise implications for the

Council in terms of the staff resources and expertise needed to deal with local investigations.

RESOLVED:

That the Standards Committee note the report

8. GOING LOCAL – INVESTIGATIONS AND HEARINGS

OPEN FORUM – MR FRANCIS MORLAND

The Committee watched a DVD produced by the Standards Board for England explaining the process of investigations and hearings. The following points were discussed.

The Committee asked if the sanction/s imposed on a councillor would still be enforced whilst awaiting the outcome of any appeal against the Standards Committees decision. The Acting Legal and Democratic Services Manager would provide the answer.

At the beginning of a hearing the Chairman must ask members to disclose declarations of interest. Although conflicts of interest should be avoided when the panel was selected, it was possible a member may have an interest to declare that was not known at the time of selection.

If at the time of the hearing a panel member declares an interest that individual would have to withdraw from the hearing. The panel size can be either 3 or 5, but has to be an odd number. It would be preferable to select 5 panel members in the event that someone would have to withdraw. It would then need to be decided amongst the panel who else would withdraw to allow only 3 to be on the panel.

The Acting Legal and Democratic Services Manager explained that a declaration of interest is a matter for each individual to determine. The rules state that knowing a person is not necessarily an interest; however it is correct to indicate the existence of such as relationship.

Members felt that when deciding if a declaration of interest existed it was necessary to think if that person is regarded as a friend or enemy. When selecting the panel, in respect of a matter concerning a Parish or Town Councillor, it would be preferable not to have members of the same authority on the panel. An important issue for the committee was to be seen to be fair.

9. LOCAL DETERMINATION

Cllrs Manasseh and Prickett left the room whilst this item was discussed. Cllr Manasseh returned to the meeting at the beginning of the next agenda item. Cllr Prickett did not return to the meeting.

The Monitoring Officer explained that he had completed his investigations into cases SBE 12975.05 and SBE 12976.05 and had issued his final report. The complainant, the subject members and all members of the Standards Committee had received a copy.

The Standards Committee needed to consider arrangements for the hearing, particularly in respect of the size of the panel, membership of the panel and date of the hearing. The date of the hearing had to be no later than 16 April 2006. The Standards Committee was advised that one of the panel must be a Parish/Town Council representative as the subject member was a Town Councillor.

As the Monitoring Officer had conducted the investigation he would not be able to advise the committee, therefore the Acting Legal and Democratic Services Manager would most likely undertake this role.

RESOLVED:

That the panel for the hearing would consist of:

**Cllr Mary Stacey (as Town/Parish Representative)
Cllr Ernie Clark
Tony Frost
Dr Kurt Paulus
Keith West**

And that the Chairman of the panel would be Tony Frost.

10. WORK PROGRAMME

RESOLVED:

i. That the work plan be approved with the addition of:

- Consider how the Standards Committee shall monitor performance of the Constitution**
- Consider the methodology for granting dispensation**

And the removal of:

- **A mock hearing**

- ii **All future meetings of the Standards Committee to be held in the Council Chamber**

DATE OF NEXT MEETING

The next scheduled meeting of the Standards Committee has been arranged for **Wednesday 15 March 2006 at 7.00pm** in **The Council Chamber**, at the Council Offices, Bradley Road, Trowbridge.

(7.00pm – 8.17pm)

These minutes were prepared by Melanie Stimpson; Member Support Officer who can be contacted on 01225 770322 or email mstimpson@westwiltshire.gov.uk.