

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **STANDARDS COMMITTEE**

Held on: **WEDNESDAY 15 MARCH 2006**

Held in: **THE COUNCIL CHAMBER, BRADLEY ROAD
TROWBRIDGE**

Present:

District Council
Representatives: Cllrs Ernie Clark and Eli Manasseh

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

Town/Parish
Representatives: Horace Prickett and Mary Stacey

Also Present Cllrs Russell Hawker, Christopher Newbury and Bill Viles

Officers: Acting Legal & Democratic Services Manager (GC) and
Member Support Officer (MS)

11. **APOLOGIES**

An apology for absence was received from Cllr Marion Clegg.

12. **MINUTES**

The minutes of the last meeting held on 25 January 2006 were approved as a correct record and signed by the Chairman.

13. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

14. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made no announcements

15. UPDATES

Standard Practice for Meetings - Apologies

At the last meeting of the Standards Committee, the Acting Legal and Democratic Services Manager was requested to investigate if standard practice for meetings should be to 'receive and accept' apologies, rather than just receive them.

The Acting Legal and Democratic Manager informed the Committee that it was not standard practice to 'receive and accept' apologies. However Section 85 of the Local Government Act 1972 stated that a member who for six months fails to attend any meeting of the authority ceases to be a member unless within that period the authority approves his/her absence. There were exceptions in the case of military personnel in the time of war or emergency and in the case of a councillor who is suspended from office.

It was noted that some confusion regarding receiving and accepting apologies had been generated from information which had been circulated by the Wiltshire Association of Local Councils.

The Committee expressed concern that some Parish and Town Councils may be confused. As Parish and Town Councils were not directed by the District Council, the Acting Legal and Democratic Services Manager advised that it was inappropriate for the Committee to issue guidance. However Members might offer the information to any Town or Parish council with whom they had contact.

Sanctions and Appeals against the Standards Committee Decisions

The Standards Committee, at its previous meeting, had sought clarification on whether sanction/s imposed on a councillor would still be enforced whilst awaiting the outcome of any appeal against the Standards Committee's decision.

The Acting Legal and Democratic Services Manager explained that the Regulations which govern the Standards Committee state that the sanction imposed by the Committee would commence immediately. The Committee was, however, given the discretion to direct that certain sanctions commence within 6 months from the date of its decision.

A member who was the subject of the Committee's decision may appeal to the Adjudication Panel. The Adjudication Panel had produced guidance on the appeals process. The guidance states that the sanctions imposed by the Standards Committee would not be suspended pending the outcome of any appeal.

16. **PLANNING APPLICATIONS SUBMITTED BY COUNCILLORS – ADVICE NOTE**

This was presented to the Committee by the Acting Legal and Democratic Services Manager.

The Committee considered that the following extract should be amended, as follows. The Committee considered that a member should disclose an interest regardless of whether or not they were a member of the Planning Committee: -

- *A member should not attend a meeting of the Planning Committee as a ~~member of that Committee~~ without disclosing their interest in the proper manner and withdrawing*

The Committee also felt that the word 'preferable' should be strengthened and replaced with must. Councillors cannot represent themselves it is sensible that they appoint an agent to act on their behalf.

The Acting Legal and Democratic Services Manager explained that the Committee could only offer advice, it could not demand a Members compliance. It was ultimately the individual member's decision on whether or not to follow such advice.

The Committee also felt that a sentence, such as, 'Further advice can be obtained from the Monitoring Officer' was required.

Prior to the advice note being circulated the Acting Legal and Democratic Services Manager would ask the Chairman to approve amended advice note.

17. **CONSTITUTION**

The Acting Legal and Democratic Services Manager explained that the purpose of the report was to consult the Standards Committee on proposed amendments to the new Constitution prior to being presented to Council for determination.

The proposed amendments were to deal with: -

- omissions and amendments to the new Constitution concerning notices of motion, and
- The way in which substitutions are dealt with in the interim period between 12 April and the Annual meeting of Council on 10 May 2006.

Notices of Motion

Cllr Stacey felt that a notice of motion submitted by a minority group should be considered by Council. The Acting Legal and Democratic Services Manager explained and if the subject matter related to an executive function, the notice of motion had to be determined by Cabinet. Minority Groups were also provided for within these proposals.

It was proposed and seconded that the Standards Committee recommend the following amendment. The motion was CARRIED: -

- (s) The Leader of any political group, which does not have a majority on the Cabinet, may require the Leader and the Chairman of Council to permit a notice of motion ~~submitted by members of his or her group~~ to be debated at the Council.....

RECOMMENDED TO COUNCIL:

That the Council Procedure Rules – Paragraph 12 – Notices of Motion of the new Constitution be amended as detailed in the appendix to these minutes.

Appointment of Alternate Members (Substitutes)

In adopting the new Constitution, Council at its meeting on 15 December approved a 'one for one' system.

This meant that Council would appoint a list of substitutes at the same time as appointing the full members of each Committee. The list of substitutes would be the same size as the list of full members, and when a member was absent, the group leader would select a member from the list of substitutes from within their own group.

The new Constitution would be implemented from the conclusion of the Council meeting on 12 April. Annual Council on 10 May would be asked to appoint members and alternate members to Committees. To avoid a situation whereby members and alternate members were appointed at Council on 12 April and again at Annual Council in May, it was suggested that the status quo arrangements for substitutions be applied until after Annual Council.

RESOLVED:

That the 'one for one' system of substitutes be applied immediately after Annual Council in May 2006. In the meantime, the status quo arrangement, regarding substitutes be applied.

18. WORK PROGRAMME

The Committee considered its future work programme. The Committee wished to deal with two items per meeting from the workplan and felt that the 'methodology for granting dispensation' and training should be considered by the Committee in the near future.

The Acting Legal and Democratic Services Manager asked the Committee to be mindful of a report which he was currently preparing for the Chief Executive, which detailed the effectiveness of the Legal Department after the two locum lawyers were no longer in place. This could have an effect on resourcing in terms of officer support for the Standards Committee.

The Chairman agreed to consult other members of the Committee and provide officers with points for consideration in preparing reports.

RESOLVED:

Members agreed the following priority order for the workplan: -

Matter of Decision	Date of Meeting
<ul style="list-style-type: none">• Code of Conduct - Further widespread training and information on what is/is not a breach of the code of conduct• Procedural Review of Local Determination Hearing	26 April 2006
<ul style="list-style-type: none">• Review of West Wiltshire District Council complaint procedure, the number of complaints received and the way in which these complaints were handled• Consider the methodology for granting dispensation	7 June 2006
<ul style="list-style-type: none">• Annual Report by the Standards Board for England – a look at the variety of complaints received and the way investigations into complaints was conducted• Review and assess the role of Standards Committee member and how the Standards Committee is performing against these roles.• Consider how the Standards Committee shall monitor performance of the Constitution• Annual Report of the work of the Standards Committee	19 July 2006
	19 October 2006
	1 February 2007
	21 March 2007

19. **DATE OF NEXT MEETING**

The next scheduled meeting of the Standards Committee has been arranged for **Wednesday 26 April 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.

APPENDIX

- a) "Special Notices of Motion" are notices of motion proposing any of the following:
 - (i) Alteration of the Constitution
 - (ii) Removal of the Leader (this includes a notice of motion of no confidence in the Leader)
 - (iii) Removal of the Chairman or Vice Chairman of the Council (this includes a notice of motion of no confidence in the Chairman or Vice Chairman of Council)
 - (iv) Rescission of any resolution of the Council made within the six months prior to the date of submission of the notice of motion
- (b) Notices of motion must be relevant to a matter over which the Council has power, or which affects the District.
- (c) No notice of motion (other than a special notice of motion) shall be included in any agenda or considered at any meeting unless it has been signed by at least two members of the Council and delivered to the offices of the Proper Officer at least 10 clear working days before the meeting of the Council at which it is to be considered.
- (d) No special notice of motion shall be included in any agenda or considered at any meeting unless it has been signed by at least one quarter of the members of the Council and delivered to the offices of the Proper Officer at least 10 clear working days before the meeting of the Council at which it is to be considered.
- (e) On receipt of any notice of motion, the Proper Officer will enter the details of the notice of motion and the time and date of receipt in a book. This book shall be open for inspection by any member of the Council at any time during normal office hours.
- (f) Notices of motion must be framed in appropriate language and must not be abusive, defamatory, frivolous or vexatious.
- (g) Where notice of motion has been given as above, the Chairman will invite the member, or one of the members, who has given notice of the motion to move the motion at Council. Where a member is unable through absence to move a motion, that member may, in writing, and with the consent of the Chairman, assign the right to move the motion to another member.
- (h) Where a motion is passed for the removal of the Leader, or of no confidence in the Leader, Chairman or Vice-Chairman, Council shall

immediately proceed to an election of a new Leader, Chairman or Vice-Chairman.

- (i) A notice of motion must be moved at the meeting, then it must be seconded. If the motion is not moved it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.
- (j) Notices of motions may be moved at the Annual Meeting or any ordinary meeting of the Council.
- (k) Notices of motion may be moved at extra-ordinary meetings of the council but only if the notice of motion relates to the subject matter of that extra-ordinary meeting.
- (l) There is no limit on the number of notices of motion that may be submitted to each meeting.
- (m) If a notice of motion is seconded then the proposer is allowed up to 5 minutes to speak to the Notice of Motion.
- (n) If the Notice of Motion relates to a function exercisable only by the Council then the Council will debate the Notice of Motion and vote on it.
- (o) If the Notice of motion relates to a function that has been delegated to another member body then the Council will vote without debate on whether to refer the Notice of Motion to that member body . If referred to another member body that member body must consider the Notice of Motion at its next available meeting. It must report back to the Council as soon as practicable. The exception to this is that if the notice of motion relates to an executive function, the Executive will be permitted to determine the notice of motion. The outcome will be reported for information to the next available ordinary Council meeting.
- (p) If the notice of motion is referred to another member body within the Council, the Leader and Chairman of Council may permit it to be debated at the meeting. If the motion is debated, the resolution of the council will then form a recommendation to the member body and will be taken into account by the member body when considering the notice of motion.
- (q) If the notice of motion relates to a function that has been delegated to another member body but is not referred to that member body, the motion may still be debated with the

permission of the Chairman and Leader. However, a decision cannot be made without receipt of a report; the matter will therefore be deferred to the next meeting of the Council.

- (r) If the notice of motion relates to a function that has been delegated to another member body but is not referred to that member body and (q) above is not applied, the motion will fall.
- (s) The Leader of any political group, which does not have a majority on the Cabinet, may require the Leader and the Chairman of Council to permit a notice of motion ~~submitted by members of his or her group~~ to be debated at the Council. The group leader shall inform the Legal and Democratic Services Manager in writing not later than 10 days before the meeting at which the notice of motion will be moved that he/she wants it to be debated. Such notices of motion will be called 'Minority Group Notices of Motion' and will be described as such in the agenda for the meeting.

In all other respects Minority Group Notices of Motion are to be dealt with in accordance with the rules laid out above.