

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **STANDARDS SUB-COMMITTEE**

Held on: **THURSDAY 16 MARCH 2006**

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

Present:

District Council Representative: Cllr Ernie Clark

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

Town Representative: Mary Stacey

Officers: Solicitor (GC), Corporate Director (TD) in his capacity as Monitoring Officer and Member Support Team Leader (YR)

Members: Cllrs Finbow and Pearce

To consider the following allegations made against Cllrs Finbow and Pearce of Westbury Town Council:

At a West Wiltshire Primary Care Trust meeting in the Neeld Hall, Chippenham on 15 September 2005, Councillors Finbow and Pearce shouted abuse and disrupted the meeting. In doing so, Councillors Finbow and Pearce behaved in a way that failed to treat others with respect and brought into disrepute their office and their authority. This is contrary to Sections 2A and 4 of the Parish Council Code of Conduct.

Introductions

The Chairman introduced himself and asked all those present to also introduce themselves. He confirmed that all those present were familiar with the health and safety procedures and how to evacuate the building in the event of an emergency.

Cllr Finbow explained that he needed to leave the meeting by 11am to attend a funeral.

1. Declarations of Interest

No declarations of interest were made.

2. Hearing Procedure

The Chairman drew attention to the Hearing Procedure that would be followed and summarised how the Hearing would be conducted in accordance with that Procedure.

Cllrs Finbow and Pearce confirmed that they were happy to deal with it as a dual hearing.

Cllr Pearce said that he had been under the impression that those making the allegation would attend this Hearing to be challenged.

GC explained that both Cllrs Finbow and Pearce had previously been asked whether or not they intended to dispute the facts. Both had advised that they would each represent themselves at the Hearing and would not be disputing the facts.

The Chairman asked Cllrs Finbow and Pearce to confirm that they would not be disputing the facts.

Cllr Pearce said that he now wished to dispute the facts. This was echoed by Cllr Finbow.

GC reiterated that both Cllrs Finbow and Pearce had previously confirmed that they would not be disputing the facts. As they were now disputing the facts, GC advised that the Hearing should be adjourned to ascertain which of the facts were being disputed and as a consequence of that, which witnesses should be called.

Cllr Pearce then proceeded to defend himself against the allegations. In particular he referred to where Cllr Finbow had been sat at the PCT meeting in Chippenham. He considered that from where Cllr Finbow was sat, with others seated in front, he could not have advanced forward in a challenging manner as had been claimed.

The Chairman suggested that as the facts were being disputed, the Hearing should perhaps adjourn.

Cllr Pearce did not want the Hearing adjourned. He asked that the Hearing continue to deal with the matter once and for all. He later explained that he did not want further tax payers' money spent on a further Hearing.

Cllr Pearce considered that unless he and Cllr Finbow could dispute the facts presented, they could not defend themselves against the allegations made.

The Chairman referred to page 12 of the 'Report of an Investigation' paragraph 7 – 'Findings' where it stated that one of the findings in the report related to failure 'to treat others with respect and brought their office and their authority into disrepute'. The Chairman considered that if Cllrs Finbow and Pearce failed to accept this finding, then the Hearing would have to be adjourned.

Cllr Pearce explained that he had not attended the PCT meeting as a Town Councillor and that in his opinion he had abided by Westbury Town Council's Standing Orders. He considered that he could say what he liked as long as it was outside of the Parish of Westbury.

GC advised that councillors cannot remove the accolade of councillor from one day to another. He explained that the actions of councillors were judged against certain parts of the Code of Conduct all of the time.

The Chairman adjourned the meeting to allow the members of the Sub-Committee to retire to another room to consider the course of action it should take in the circumstances.

HEARING ADJOURNED

HEARING RECONVENED

The Chairman advised that there was no option but to adjourn the Hearing.

GC advised that the Hearing should adjourn as there were elements of the Investigating Officer's Report which were being disputed by Cllrs Pearce and Finbow.

On behalf of the Sub-Committee, GC would write to Cllrs Pearce and Finbow requesting a response within 7 days, to ascertain the areas they were disputing to assist the Hearing when it reconvenes. He also confirmed that both Councillors would not be prevented from raising additional matters for challenge.

When asked, Cllrs Pearce and Finbow confirmed that they both understood the position.

RESOLVED:

That as Cllrs Pearce and Finbow were now disputing the facts as presented in the Investigating Officer's Report, the Hearing be adjourned to a date to be agreed.

That in the meantime, the Solicitor write to both Cllrs Finbow and Pearce to establish what they were disputing.

Note: The date for the adjourned Hearing was subsequently agreed for 18 May 2006.

(9.30am – 10.12 am)

These minutes were prepared by Yamina Rhouati, Member Support Team Leader who can be contacted on 01225 770322 or email yrhouati@westwiltshire.gov.uk