

Minutes

20 January 2003
Committee Room 2
Bourne Hill, Salisbury
Commencing at 2.00 pm

53. **Present:**

Mrs M F Lewis (Chairman and Independent Person), Mr G A Thompson (Vice-Chairman and Independent Person), Councillors M G Fowler and C G Mills, and Mr M Chandler (Parish Representative) Mr R Crook (Deputy Parish Representative)

In attendance: Mr R Sheard (Chief Executive) Mr J Crawford (Head of Legal and Property Services) Mrs J Ferguson (Deputy Monitoring Officer) and Mr S Agland (Head of Democratic Services).

54. **Public Question/Statement Time:**

Mr Edwards of Warwick Close referred to a matter he had previously raised with the Committee. He also referred to various related correspondence and gave his reasons why he had stated orally that he had decided not to continue with his previous complaint.

The Committee **Agreed** that no further action in respect of this statement be taken

55. **Minutes:**

Agreed – that the minutes of the last meeting held on 28th October 2002 be approved as a correct record and signed by the Chairman.

56. **Declarations of Interest:**

Councillor Mills declared a personal interest in minute 58 below but remained in the meeting during consideration thereof. He also declared an interest in exempt minute 60 and left the meeting during its consideration.

57. **Public Question and Statement Time at Committee Meetings:**

Consideration was given to the previously circulated report from the Legal Services Manager/Monitoring Officer.

The Committee noted that the following words should be inserted at the end of paragraph 2.2 "should be made public" and paragraph 3.2 should have the following words inserted at the end " once the outcome of the inquiry is known" (the amended report is attached for ease of reference).

Recommended to Full Council

That the Constitution be amended as follows -

- (1) Rule 10.4 of Part 4 be amended in accordance with the option set out in paragraph 4.4 of the report (as set out below in italics),

The Head of Paid Service may reject a question/statement if it:

- is not about a matter for which the local authority has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question/statement which has been put at a meeting of the Council or one of its committees etc in the past six months;
- requires the disclosure of confidential or exempt information; *or*
- **relates to complaints about individual Members or officers*

**note this change is not intended to reduce the public's rights to pursue a complaint, it is simply designed to ensure such complaints are directed through the appropriate complaints procedures, thereby safeguarding the interests of all concerned, namely the complainant, the person complained about and the Council.*

- (2) Rule 25 of Part 4 be amended by the addition of the following sentence:

Rules 10.3 and 10.4 shall apply to meetings of the Cabinet, committees and sub-committees etc.

- (3) the list of the roles and functions of the Standards Committee be amended by the addition of the following sentence:

that subject to any views the Standards Board may later form on this matter, the details of allegations of breaches of the Code of Conduct by Members shall not be made public until such time as they have been dealt with by the Adjudication Panel for England and are being reported to the Standards Committee.

58. **Standards Committee meetings respectively on 9th September and 28th October 2002:**

Consideration was given to the report from the Chief Executive (previously circulated), part 5 (b) of which was dealt with under exempt business.

The Committee noted the practice of the Standards Board for England to produce case summaries publicly identifying the Councillors following the outcome of their investigations.

The Committee also discussed the Council's procedure when communicating its "closure" of a complaint.

Agreed – that

- (1) the complaint against Councillor West was unsubstantiated and nothing in Councillor West's actions amounted to a justifiable complaint of misconduct and that the matter is now closed insofar as the Council is concerned;
- (2) further to (1) above, the responsible Officer should write a letter to Councillor West on behalf of the Committee (to be approved by all Committee Members prior to despatch) explaining how the Committee arrived

at its decision, why the rules operating at the time precluded it from rejecting the original public question that prompted the investigation and why the matter had to be dealt with and minuted in open business. The letter should also express regret at any inconvenience and distress that this had caused Councillor West and advise that the decision at minute 57 above should prevent any similar situations occurring in the future

- (3) the Officers review part of the complaints procedure relating to the letter sent to the complainant once their complaint has gone through the final internal review/conclusion stage, to ensure the wording of the letter makes it clear that based on the information provided, as far as the Council is concerned the complaint is closed and that the Council will not enter into further communication with the complainant in relation to the Complaint. The letter will refer the complainant to the other external avenues available to them.

59.

Exempt Information:

In view of the confidential or sensitive nature of the matters to be considered, it was:

Agreed: that the Press and Public be excluded from the meeting during consideration of those matters defined as 'Exempt' under the Access to Information Act 1985 as specified below:

Paragraph 12 namely Any instruction to Counsel and any opinion of Council and any advice received, information obtained or action to be taken in connection with any legal proceedings by or against the authority or the determination of any matter affecting the authority.

Summary of Exempt Matters

Agenda Item 5 –Councillor matter (minute 60 below)