

## Minutes

17 March 2003  
Committee Room 1  
Bourne Hill, Salisbury  
Commencing at 2.00 pm

68. **Present:**  
Mrs M F Lewis, (Chairman and Independent Person), Mr G A Thompson (Vice-Chairman and Independent Person), Councillor C G Mills and Mr M Chandler (Parish Representative).
- In attendance: Councillor J C Noeken (minute 73), Susan Tovey (Legal Services Manager/Monitoring Officer), Diana Melville (Chief Internal Auditor) and Mr P J Bellas (Senior Democratic Services Officer).
- Apology: Councillor M G Fowler  
(NOTE: Subsequent to the meeting an apology for absence was received from Mr R G Crook, Deputy Parish Representative).
69. **Councillor M G Fowler:**  
The Chairman agreed to write to Councillor Fowler to convey the Committee's best wishes to him for a speedy recovery following his recent illness.
70. **Public Question/Statement Time:**  
There were no public questions or statements forthcoming.
71. **Minutes:**  
  
**Agreed** – that the minutes of the last meeting held on 17<sup>th</sup> February 2003 be approved as a correct record and signed by the Chairman.
72. **Declarations of Interest:**  
No interests were declared.
73. **Complaint to the Standards Board for England:**  
Consideration was given to the report of the Legal Services Manager/Monitoring Officer (previously circulated).

Arising from the consideration of the above report, the Committee discussed arrangements for publicising the outcome of complaints notified by the Standards Board.

**Agreed -**

- (1) that the report be noted; and
- (2) that, pending the introduction of regulations, the following arrangements be introduced for publicising the outcome of complaints notified by the Standards Board:-
  - (a) that if the Standards Board finds that a councillor has acted contrary to the Code of Conduct then the finding be publicised; and

- (b) that if the Standard Board finds that there has been no breach of the Code of Conduct then the publication of the decision be at the discretion of the councillor concerned.

74.

**Anti-Fraud and Corruption Policy and Strategy against Fraud:**

Consideration was given to the report of the Chief Internal Auditor (previously circulated).

**Agreed -**

- (1) that the Anti-Fraud and Corruption Policy be approved subject to the following amendments:-
  - (a) in respect of the strategy for deterrence, the deletion of the second bullet point in relation to the development of a culture which makes it clear that fraud will not be tolerated; and
  - (b) in respect of the strategy for detection, the inclusion of "and report" after "detect" in the second bullet point;
- (2) that the Housing Benefit Prosecution Policy be approved subject to:-
  - (a) the inclusion of a reference to the statutory provisions under which formal cautions can be issued and clarification as to how such cautions relate to restitution;
  - (b) the substitution of "may" for "will" in the section of the policy covering civil restitution; and
  - (c) clarification of how the Council's disciplinary procedures will be applied to staff found to have committed a benefit fraud; and
- (3) that the work proposed to identify the risks of fraud and the effectiveness of the strategies be noted.

(NOTE: Copies of the Anti-Fraud and Corruption Policy and Housing Benefit Prosecution Policy, as amended, are attached as Annexes A and B respectively to these minutes for information).

75.

**Changes to the Officer Scheme of Delegation:**

The Legal Services Manager/Monitoring Officer reported that since the consideration of the Officer Scheme of Deletion at the Committee's last meeting, it had become apparent to officers dealing with the Stonehenge Project that there were no delegated powers in relation to the Conservation (Natural Habitats etc) Regulations 1994.

In order to avoid a separate report to Full Council, a new delegated authority with regard to these regulations had been included in Scheme and a note had been added to the minutes accordingly. However the Committee's formal approval of the inclusion of the delegated authority within its previous recommendation was now required.

**Agreed:** that the following delegated authority be added to the Council's officer scheme of delegation as part of the recommendation to Full Council under minute 65 (17/2/03):-

- 14.33 *To deal with and decide all matters under the Conservation (Natural Habitats etc) Regulations 1994 (or any regulations amending or replacing these regulations).*

76. **Standards Board Regional Roadshow:**

Although this matter did not appear on the agenda for the meeting the Chairman decided to take it as a matter of urgency in view of certain issues which had arisen at the Standards Board Regional Roadshow held in Taunton on 18<sup>th</sup> February 2003.

The Chairman and Vice-Chairman informed the Committee of three important matters which had been raised at the above event, as follows:-

- (1) that under the present statutory provisions the Standards Board had to meet to determine whether or not complaints showed, on their face, a breach of the code of conduct which required investigation as it was unable to delegate this function;
- (2) that, arising from a case study, it had become apparent that local decisions could be subject to Judicial Review; and
- (3) that it had been made clear that inquiries and hearings into complaints conducted by the Committee would need to be held in public.

Arising from the discussions on these matters it was:-

**Agreed** - that the Monitoring Officer be requested to:-

- (1) ensure that the insurance cover provided for Members of the Council is extended to cover the Independent Persons and the Parish Representatives on the Committee; and
- (2) write to the Office of the Deputy Prime Minister to request that inquiries and hearings undertaken by Standards Committees be allowed to be held in private in order to preserve the anonymity of the innocent.

77. **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 1 namely "Information relating to a particular employee, former employee or applicant to become an employee of, or particular office-holder, former office-holder or applicant to become an office-holder under, the authority"

***Summary of Exempt Matters***

*Matter of Urgency – Consideration of the matters dealt with under minute 67 (17/2/03)*