

# **Standards Committee**

*17 January 2005*

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# **REPORT**

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## **COMPLAINTS TO STANDARDS BOARD FOR ENGLAND**

### **1. Purpose of Report :**

To report to the Committee the outcome of complaint to the Standards Board for England.

### **2. Background :**

- 2.1 A complaint was received by the Board alleging that Parish Councillor Marjorie Whitworth had failed to comply with the Code of Conduct in that she had failed to withdraw from a meeting when a matter in which she had a prejudicial interest was discussed and sought improperly to influence a decision on the matter.
- 2.2 In July 2003 the Board referred the complaint for investigation by the Ethical Standards Officer.
- 2.3 The ESO concluded that Councillor Whitworth had breached the Code of Conduct but found that in the particular circumstances no action needs to be taken.
- 2.4 The ESO's report was published on 04.11.2004 to Councillor Whitworth, the Monitoring Officer and to the complainant. It is confidential and cannot be disclosed.
- 2.5 A copy of the case summary prepared by the Board is attached.

### **3. Recommendations**

That the Committee

- notes this report.
- Considers whether any further advice and/or training be given to Parish Council Members in relation to the Code of Conduct.

### **4. Background Papers:**

Letter dated 15<sup>th</sup> November 2004 from the Board.

### **5. Implications:**

- **Financial** : None
- **Legal** : None
- **Human Rights** : any interference with Article 8 [the right to a private life] is in accordance with the law [the Local Government Act 2000 and regulations made under it] and proportionate and reasonable in a democratic society [ensuring transparent, open and accountable government]
- **Personnel** : None
- **Community Safety** : None
- **Environmental** : None
- **Council's Core Values** : being fair and equitable
- **Wards Affected** : Wilton

## Case summary

SBE case number	SBE4034.03
member	Councillor Majorie Whitworth
authority	Wilton Town Council
allegation	A member failed to withdraw from a meeting when a matter in which she had a prejudicial interest was discussed and sought improperly to influence a decision on the matter.
date received	14 July 2003
date completed	4 November 2004
SBE outcome	The Ethical Standards Officer found that no action needs to be taken.

### summary

The complainant alleged that during a Wilton Town Council meeting on 1 July 2003 Councillor Majorie Whitworth declared a personal and prejudicial interest in a planning application and left the room, but returned 10 minutes later when the application was still being discussed. According to the complainant, Councillor Whitworth said that the discussion had gone on for long enough, refused to leave the meeting and interrupted the discussion, quoting a point of order.

The Ethical Standards Officer considered that Councillor Whitworth had a personal and prejudicial interest in the planning application, which was for a housing development near her home. The Ethical Standards Officer therefore concluded that Councillor Whitworth breached the Code of Conduct by returning to the meeting room when the application was still being discussed.

The Ethical Standards Officer also concluded that Councillor Whitworth sought improperly to influence a decision on the application by returning to the room. Although Councillor Whitworth did not take part in the discussion or vote, she tried to move the discussion along and her presence might have influenced the council's decision on the application.

The Ethical Standards Officer took into account the fact that Councillor Whitworth initially complied with the Code of Conduct by declaring an interest and leaving the room. The Ethical Standards Officer also noted that Councillor Whitworth genuinely believed the council had had ample time to discuss the application.

In these circumstances, the Ethical Standards Officer found that no action needs to be taken.

### **relevant paragraphs of the Code of Conduct**

The allegation in this case relates to Paragraph 10 of the Code of Conduct. Paragraph 10 states that a member with a prejudicial interest in any matter must "(a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting" and that he must "(b) not seek improperly to influence a decision about that matter".

**Ends.**