

AGENDA

Meeting: **STANDARDS COMMITTEE**
Place: **Council Chamber - Council Offices, Bradley Road, Trowbridge
BA14 0RD**
Date: **Wednesday 18 May 2011**
Time: **2.00 pm**

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Trowbridge, direct line 01225 718371 or email pam.denton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

All public reports referred to on this agenda are available on the Council's website at www.wiltshire.gov.uk

Membership:

Wiltshire Council Members

Cllr Nigel Carter, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Malcolm Hewson, Cllr Julian Johnson and Cllr Ian McLennan

Town/Parish Council Co-opted Members

Mr William Bailey, Mr Craig McCallum, Mr Paul Neale, Mr Robert Oglesby JP, Mr John Scragg, Miss Pam Turner, Mr Keith Wallace and His Hon David MacLaren Webster QC

Independent Co-opted Members

Mrs Jane Bayley, Mr Michael Cronin, Mr Philip Gill MBE JP, Mrs Isabel McCord (Chairman), Mr Stuart Middleton and Mr Gerry Robson OBE (Vice Chairman)

Part 1

Items to be considered when the meeting is open to the public

1. **Election of Chairman**

To elect a Chairman for the 2011/12 municipal year.

2. **Election of Vice-Chairman**

To elect a Vice-Chairman for the 2011/12 municipal year.

3. **Apologies**

4. **Minutes of previous meeting** (*Pages 1 - 4*)

To confirm and sign the minutes of the Committee meeting held on 9 March 2011 (copy attached).

5. **Chairman's announcements**

6. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests.

7. **Public Participation and Questions from Committee Members.**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of the agenda (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 11 May 2011. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

8. **Re-Appointment Of Sub-Committees and Focus Group** *(Pages 5 - 8)*

To consider the report of the Monitoring Officer

9. **Standards Committee Plan and Business Plan**

Report of the Monitoring Officer to follow

10. **Dispensations Applications** *(Pages 9 - 20)*

To consider the report of the Head of Governance

11. **Status Report on Complaints made under the Code of Conduct** *(Pages 21 - 26)*

To consider the report of the Head of Governance

12. **Outcome of the Standards Committee Workshop on the Localism Bill**

To receive a verbal report

13. **Forward Plan** *(Pages 27 - 28)*

14. **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

15. **Exclusion of the Press and Public**

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 15 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 7c of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

16. **Outcome of Standards Consideration Sub-Committee** (*Pages 29 - 36*)

To consider the report of the Monitoring Officer

STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 9 MARCH 2011 AT COMMITTEE ROOM III, COUNTY HALL, TROWBRIDGE.

Present:

Wiltshire Council Members

Cllr Nigel Carter, Cllr Peter Fuller, Cllr Malcolm Hewson and Cllr Julian Johnson

Town/Parish Council Co-opted Members

Mr William Bailey, Mr Craig McCallum, Mr Paul Neale, Mr Robert Oglesby JP, Mr John Scragg, Mr Keith Wallace and His Hon David MacLaren Webster QC

Independent co-opted Members

Mrs Jane Bayley, Mrs Isabel McCord (Chairman), Mr Stuart Middleton and Mr Gerry Robson OBE (Vice Chairman)

15. Apologies

Apologies were received from Councillor Ernie Clark, Mr Michael Cronin, Mr Philip Gill MBE JP, Councillor Ian McLennan, and Miss Pam Turner

16. Minutes of previous meeting

The minutes of the meeting held on 12 January 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes.

17. Chairman's announcements

The Chairman announced that this would be her last meeting as her term of office was due to expire at full Council in May. Mr Gerry Robson MBE proposed that Mrs McCord's term of office be extended until the end of the present Standards regime. On being put to the vote it was

Resolved:

That the Standards Committee recommends to Council, that Mrs Isabel McCord's term of office be extended until the end of the present Standards regime.

18. **Declarations of Interest**

There were no declarations of interest

19. **Public Participation and Questions from Committee Members.**

There were no members of the public present.

20. **Minutes of Sub Committees**

The minutes of the Dispensation Sub-Committee held on 11 January 2011 were presented.

Resolved:

To note the minutes

21. **Review of the Standards Committee Plan 2010-2014**

The committee reviewed the business plan and the Chairman thanked everyone involved in taking the actions forward. It was suggested that it may be appropriate for the Committee to review their work in the light of the publication of Wiltshire Council's Business Plan to ensure that the Committee's objectives are consistent with the Plan.

It was agreed that the Chairman, assisted by Mr Gerry Robson and Councillor Nigel Carter, look at the Business Plan to find ways to link it to the Standards Committee Plan and feed back their findings to the Monitoring Officer.

Resolved:

- 1. That the Monitoring Officer prepares a report for the next meeting of the Standards Committee on ways to link the Committee Plan to Wiltshire Council's Business Plan.**
- 2. That the developments in the Plan be noted.**

22. **Standards Committee Draft Annual Report 2010/11**

The draft Standards Committee Annual Report was presented

The Chairman explained that this report would be presented to the Annual Council meeting in May.

The committee made several amendments to the Plan including the request for the addition of the cases breakdown.

Resolved:

To note the report and request that any amendments be incorporated.

23. **Status Report on Complaints made under the Code of Conduct and cases Breakdown**

The Monitoring Officer presented the report

Resolved

To note the report

24. **Outcome of a Consideration Sub-committee**

The committee considered a report on the outcome of a Consideration sub-committee.

Resolved:

To note the report

25. **Forward Plan**

The committee's forward workplan was presented.

Resolved

To note the forward workplan.

26. **Urgent Items**

There were no urgent items

(Duration of meeting: 14.00 – 14.35)

The Officer who has produced these minutes is Pam Denton, of Democratic Services,
direct line 01225 718371, e-mail pam.denton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Wiltshire Council

Standards Committee

18 May 2011

Re-Appointment Of Sub-Committees and Focus Group

Purpose of Report

1. To seek approval for the re-appointment of previously established Sub-Committees and Focus Group of the Committee.

Background

2. The Constitution provides for the Committee to appoint such Sub-Committees as may from time to time be necessary for the efficient discharge of its functions (paragraph 2.5 of Part 3 of the Constitution). In particular, the Committee has previously established the following Sub-Committees:
 - **Assessment Sub-Committee**
To consider whether an allegation should be investigated
 - **Review Sub-Committee**
To consider any request for a review of a decision that an allegation should not be investigated
 - **Hearing Sub-Committee**
To conduct hearings into alleged breaches of the Code
3. The above mentioned sub-committees were established to deal with the Committee's responsibilities under S.54 of the Local Government Act 2000 as amended by S.188 of the Local Government and Public Involvement in Health Act 2007. Their composition is as follows:
4. Three members of the Standards Committee as determined by the Monitoring Officer in consultation with the chairman of the Committee on the basis of member availability and chaired by an independent member. No member will serve on more than one of the above sub-committees for any one allegation or set of allegations. However, a member may serve on both the Assessment Sub-Committee and the Hearing Sub-Committee in exceptional circumstances to be approved by the Monitoring Officer. Members of the Review Sub-Committee may not serve on any other sub-committee dealing with the same or linked complaint.

5. **Consideration Sub-Committee**

In July 2009, the Committee established the Consideration Sub-Committee to consider the Monitoring Officer's final investigation reports with the following composition:

Three members of the Standards Committee chaired by an independent member, and to include an elected member of Wiltshire Council, and a town or parish representative if the subject member is a town or parish councillor;

Membership is determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee on the basis of member availability.

6. **Dispensation Sub-Committee**

In July, 2009, the Committee established the Dispensation Sub-Committee to consider and determine requests for dispensation under the Standards Committee (Further Provisions) (England) Regulations with the following composition:

As determined by the Monitoring Officer in consultation with the chairman of the Standards Committee on the basis of member availability, to include one independent member (who will be the Chairman), one elected member and one parish or town council representative.

7. The Committee is therefore asked to re-appoint the above mentioned sub-committees for the municipal year 2010/11.

8. The Communication Sub-Committee and Training Sub-Committee previously established by the Committee have since been disbanded and replaced by task and finish groups. Such groups are established to undertake particular tasks identified by the Committee as and when a need is identified. Membership of Task and Finish Groups is drawn from the Standards Committee.

9. **Focus Group on the Review of the Constitution**

Council had previously requested this Committee to consider the effectiveness of the constitution six months since adopting a new constitution put in place for the commencement of Wiltshire Council on 1 April 2009. In November 2009, the Committee established a cross-party Focus Group to undertake the detailed work required to carry out the review. That review has been completed with a new constitution adopted by Council in December 2010. Council agreed that the Focus Group should remain in being to assist with ongoing work to review the constitution as required and particularly to review the constitution in light of forthcoming changes to legislation most notably the Localism Bill.

10. The Focus Group comprises a member from each political group on the Council (Cllrs Wheeler, Hubbard, Newbury, Carter and Rogers), a representative of the Audit Committee (Cllr Doyle) and Scrutiny Committee (Cllr Trotman) and three members of the Standards Committee (Mrs McCord – chairman, Mr Middleton and Mr Neale).

Proposal

11. To re-appoint the following Sub-Committees and Focus Group of the Standards Committee on the same basis as previously agreed:

- (i) Assessment Sub-Committee
- (ii) Review Sub-Committee
- (iii) Hearing Sub-Committee
- (iv) Consideration Sub-Committee
- (v) Dispensation Sub-Committee
- (vi) Focus Group on the Review of the Constitution

Ian Gibbons
Solicitor to the Council and Monitoring Officer

Report Author: Yamina Rhouati, Democratic Governance Manager

Unpublished documents relied upon in the production of this report:

None

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WILTSHIRE COUNCIL

STANDARDS COMMITTEE

18 May 2011

DISPENSATIONS APPLICATIONS

Purpose of Report

1. At its meeting on 19th May 2010 the Standards Committee asked the Monitoring Officer to provide an annual overview of dispensation applications made to the Committee. This is the first of those annual reports, and covers the period from March 2010 to April 2011.

Background

2. The statutory Code of Conduct for members prevents councillors from speaking and voting on a matter in which they have a personal and prejudicial interest unless they have been granted a dispensation to do so by the Standards Committee.
3. A dispensation may be considered if more than 50% of the voting members of a council or a council's committee would be prevented from speaking and voting on an item because of an existing personal and prejudicial interest, effectively impeding the transaction of the council's business. The Standards Committee does not have to grant a dispensation, and will consider each application on its merits.
4. Members wishing to receive a dispensation are required to submit a completed application form to the Monitoring Officer outlining their reasons for requesting a dispensation. The Monitoring Officer will arrange for a dispensations sub-committee of the Standards Committee to meet and consider the application.
5. Dispensations may be granted for:
 - a. One item of business, or;
 - b. For a period not exceeding 4 years, and;
 - c. Allowing the member to participate in the meeting and vote, or;
 - d. Allowing the member to speak but not to vote.
6. In reaching a decision on a dispensation request the dispensation sub-committee takes into account:
 - a. The nature of the prejudicial interest concerned;
 - b. The need to maintain public confidence in the conduct of the Council's business;
 - c. The impact on the outcome of the proposed vote;
 - d. The need for efficient and effective conduct of the Council's business; and
 - e. Any other relevant circumstances.

Main Considerations for the Committee

7. During the period March 2010 to April 2011 the Monitoring Officer received 31 applications for dispensations.
8. Four applications were not put before the sub-committee. Three of these applications related to personal and prejudicial interests that may have prevented the members from participating in council business, but did not meet the 50% threshold of members having a prejudicial interest required before a dispensation can be granted. The fourth applicant did not have a personal or prejudicial interest in the business for which a dispensation was applied.
9. In all four cases the Deputy Monitoring Officer wrote to the members concerned to explain why their applications would not be put forward to the dispensations sub-committee, and explaining the effect that this would have on their ability to speak and vote in the business concerned. Copies of these letters (redacted to maintain anonymity for the members concerned) are attached at Appendix A. Members of the Standards Committee may find it useful to read them to get an overview of some of the difficulties that councillors, particularly members of smaller parish councils, may experience in understanding the complexities of the regulations concerning personal and prejudicial interests.
10. Five applications have not yet been determined – the dispensation sub-committee will consider them on 19th May 2011.
11. 21 applications have been determined since April 2010. 13 dispensations were granted, 8 applications were refused.
12. 12 of the applications that have been considered this year were from “dual hatted” members of Wiltshire Council who are also members of their respective town councils and of the corresponding area boards. All of the applicants were granted dispensations, although members are asked to note what is said in paragraph 13 of this report. The issues arising from this dual-hatted membership have been covered in previous reports by the Monitoring Officer so will not be discussed further in this report.
13. It is worth noting that one of the applications from a dual-hatted member was for a dispensation to speak and vote in all matters relating to grant applications to the Area Board by Westbury Town Council, asset transfers to Westbury Town Council, and any other matters where the member might find himself to have a personal and prejudicial interest. On this occasion, the sub-committee granted a dispensation for the first two elements of the application, but refused to grant a dispensation for the third element. This is because the sub-committee felt that the granting of a blanket dispensation that would effectively circumvent the intention of the prejudicial interest provisions of the Code of Conduct was not what was intended by the dispensation provisions and was not in the public interest. It was felt that the granting of a dispensation in those terms would be likely to undermine public confidence in the conduct of the council’s business.
14. It is also worth noting that the more recent sub-committee dispensations have been granted for a specific period subject to there being no material change in the circumstances described in the dispensation application. Members of the sub-committees have felt that this provision would tend to safeguard the public interest and public confidence in the decision making process of councils.

15. Members' attention is drawn to the minutes of the sub-committee meeting of 27 July 2010, attached at Appendix 2. This meeting is of particular interest because although the members all applied for a dispensation to speak and vote in matters relating to a local planning application, only one dispensation was granted out of the four applications that were submitted. The reasoning behind the refusals was that 3 of the applicants had interests that the sub-committee considered to be particularly prejudicial, such that the granting of a dispensation would not be in the public interest. The result of refusing 3 of the 4 applications was that the parish council would remain inquorate when considering this planning application. Members of the dispensation sub-committee were mindful of the fact that the parish council was only a consultee, rather than the body that would determine the planning application, and that members of the parish council would be able to make representations to the decision making body in their private capacity. The dispensations sub-committee did not feel that public confidence in the decision making process would be promoted should they grant dispensations in the particular circumstances of three of these applicants.
16. At another dispensation sub-committee meeting members considered applications from several members of Westbury Town Council's Highways and Development Committee. These members submitted dispensation applications to speak and vote on matters relating to the Leigh Park Community Association, of which they were on the management committee. There were two matters of interest in the dispensation sub-committee's consideration of these applications. The first was the nature of the interests. After some debate, the sub-committee determined that although they agreed the members had a personal interest, they did not consider that the interest amounted to a prejudicial interest. For that reason, they did not consider that a dispensation was necessary. However, they did concede that the point about the nature of the interest was not entirely clear. They therefore went on to state that it was open to Westbury Town Council to consider matters relating to the Leigh Park Community Association at meetings of the full council, rather than in the Highways and Development Committee. Should they do this, the council would not be inquorate, and no dispensation would be required.
17. What is clear from the minutes of dispensation sub-committee meetings and from the dispensations that have been granted is that the sub-committee's approach to dispensation applications has evolved, with a strong focus on understanding and protecting the public interest before reaching a determination. The experience of the past year of dealing with dispensation requests is that this is a complex and highly nuanced area of the Standards Committee's work, requiring a clear understanding of the provisions of the Code where these relate to personal and prejudicial interests, and an ability and willingness to balance these against the public interest.
18. It is unclear what, if any, provisions have been made in forthcoming legislation to provide dispensations after the statutory Code of Conduct and Standards Committees have been abolished. There have been indications that it will become a criminal offense for members to act on matters in which they have a prejudicial interest. However, the nature of a prejudicial interest under any new legislation has not yet been defined, nor has the government issued any indication of what arrangements may be made for the granting of dispensations. The Deputy Monitoring Officer has written to the DCLG to seek clarification, but has not received a response.

Proposal

19. Members are asked to note the contents of this report.

Risk Assessment

20. There are no risks associated with the proposal in this report.

Financial, Environmental and Legal Implications

21. There are no financial, environmental or legal implications associated with the proposal in this report.

IAN GIBBONS
Solicitor to the Council and Monitoring Officer

Report Author: NINA WILTON – Head of Governance and Deputy Monitoring Officer

The following unpublished documents have been relied on in the preparation of this Report:

None

Dear Councillor

Re: Application for Dispensations

I have received your request for a dispensation to speak and vote on matters before Anytown Parish Council relating to the Anytown Allotments, and to PCC matters.

The situation regarding your interest differs in these two matters, so I will go through each in turn and set out the position regarding the nature of your interests, their effect on your ability to participate in parish council meetings where these matters are to be discussed and the consequences for the granting of dispensations.

The Allotments

I will first address the position regarding the allotments.

You are not, as I understand it, an allotment holder, but a trustee of the Anytown Allotments.

You have a personal interest in any matters coming before the Parish Council relating to the allotments by virtue of that trusteeship. However, the existence of a personal interest does not prevent you from either speaking or voting on matters relating to the allotments. You need only declare the existence of the personal interest at any meeting where the business is discussed.

You do not, therefore, require a dispensation for conducting the general business of the allotments when it comes before the parish council.

However, you do have a prejudicial interest where those matters relate to the financial affairs of the allotment trust. Notwithstanding the fact that you personally would not be affected, the prejudicial interest arises because the financial position of a body over which you are in a position of management or control would be affected, and the Code of Conduct is clear that this would constitute a prejudicial interest.

It would be appropriate for the Standards Committee to consider whether they would wish to grant you a dispensation to speak and vote on those matters relating to the financial position of the allotments. In the meantime, there is no need for a dispensation for you to speak and vote more generally on matters relating to the allotments.

The PCC

I turn now to the question of a dispensation for you to speak and vote at the parish council on matters relating to the PCC.

You have sent in a separate dispensation request asking for a dispensation allowing you to speak and vote on matters relating to the PCC. The situation regarding whether or not you may be granted a dispensation to speak and vote on PCC matters that come before the parish council is different from that arising from your position as a trustee of the allotments. I cannot put your dispensation application regarding the PCC matters forward to the Standards Dispensation Sub-Committee for consideration because your circumstances do not meet the criteria that would permit them to grant a dispensation.

The first criterion they must consider is whether 50% or more of the parish council members are prevented from speaking and voting on a matter because they have a personal and prejudicial interest in the agenda item. There are 7 members of Anytown Parish Council and only 3 of them are members of the PCC. This means that this criterion is not met, and the PCC members of the Parish Council cannot be granted a dispensation. The first criterion for granting a dispensation has not been met.

The effect of this is that you must consider whether you have a personal and prejudicial interest in agenda items relating to the PCC. The fact that you are a PCC member means that you have a personal interest in PCC matters that come before the parish council. If your interest is only a personal interest you must declare that interest, but may remain in the meeting and speak and vote on the matter. Most PCC matters that come before the parish council are unlikely to affect the PCC's financial position, and a reasonable member of the public in possession of all the facts would probably not conclude that you would be unable to take a proper view of the public interest when voting. That means that most of the time you could, if you wished, declare the existence of the personal interest but stay in the meeting, participate in the debate and vote.

However, if the matter before the parish council would affect the PCC's financial position your interest in the matter becomes prejudicial. An example would be where the PCC applies to the parish council for a grant. The Code of Conduct is very clear on this point. The test is not only whether your own financial position would be affected by a parish council's decision, but whether the financial position of any body of which you are in a position of control or management would be affected. The effect of this prejudicial interest is that you may not remain in the meeting, speak or vote on any matter before the parish council that relates to the financial situation of the PCC.

I will write to you when the Assessments Sub-Committee has determined your application to let you know the outcome. If, in the meantime, you have any questions or require any clarification on the nature of your interests and how these may affect your ability to speak and/or vote on parish council business, please do not hesitate to contact me.

Yours sincerely

Nina Wilton
Head of Governance

Direct Line: 01225 713078
Fax Number: 01225 718399
Email: nina.wilton@wiltshire.gov.uk



INVESTOR IN PEOPLE

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STANDARDS DISPENSATION SUB-COMMITTEE

MINUTES OF THE STANDARDS DISPENSATION SUB-COMMITTEE MEETING HELD ON 27 JULY 2010 AT COMMITTEE ROOM VIII, COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE.

Present:

Mr Michael Cronin, Cllr Ian McLennan and Mr Keith Wallace

Also Present:

Ian Gibbons and Roger Wiltshire

1. Election of Chairman

Mr Michael Cronin, as Independent Member, was confirmed as the Chairman.

2. Declarations of Interest

Councillor Ian McLennan said that he knew Councillor Maurice John Martin however he did not have a close association and therefore felt that there was no personal or prejudicial interest.

3. Background

The Monitoring Officer explained that these were four similar applications from members of Landford Parish Council in respect of any consideration by the Parish Council of planning application 10/9523, an application for determination by the New Forest National Park Authority as the local planning authority. The application is for change of use of a house in the parish to a new school for children aged 2-16 and this could be considered to be likely to have an impact on the existing schools serving the parish – New Forest School and Nomansland Pre-School.

He explained that the Parish Council had a membership of six, four of whom had requested dispensations on the basis that they considered that they had a prejudicial interest in the application for the reasons outlined in the report. As the quorum was 3 this would result in the committee becoming inquorate. He advised the committee to look at each application on its own merits having

regard to guidance from Standards for England on dispensations and the Standards Committee criteria, in particular the nature of the member's prejudicial interest and the need to maintain public confidence in the conduct of the Council's business.

4. **Consideration of a dispensation request by Cllr Mark Coleman, Landford Parish Council**

The Monitoring Officer introduced the report and said that Councillor Coleman considered that he had a personal and prejudicial interest in the planning application as his wife is employed by both the New Forest School and the Nomansland Pre-School and one of his children attends Nomansland Pre-School and two attend New Forest School. The site of the proposed new school referred to in the planning application is also approximately 120 meters from Councillor Coleman's residence.

The sub-committee considered the application and agreed that Councillor Coleman did have a personal and prejudicial interest and that the legal requirements for a dispensation were met. However, having regard to Standards for England advice on dispensations the sub-committee were of the unanimous view that it was inappropriate to grant a dispensation as they felt that to do so might undermine public confidence in local decision-making because of the nature of his interest, which concerned his wife's financial position.

Resolved

Not to grant a dispensation in relation to Landford Parish Council's consideration of planning application 10/9523 as Councillor Coleman's prejudicial interest related to his wife's financial position and public confidence would be likely to be undermined if a dispensation were to be granted in these circumstances.

5. **Consideration of a dispensation request by Cllr Maurice Martin, Landford Parish Council**

The Monitoring Officer introduced the report and said that Councillor Martin considered himself to have a personal and prejudicial interest in this application as he lives 3 houses' distance away from the proposed site of the new school, and has objected to the application.

The sub-committee considered the application and agreed that Councillor Martin did have a personal and prejudicial interest and that the legal requirements for a dispensation were met. However, having regard to Standards for England advice on dispensations, the sub-committee were of the

unanimous view that it was inappropriate to grant the dispensation. They felt that public confidence in local decision making would be likely to be undermined, given the nature of Councillor Martin's interest which concerned the potential effect of the application on his property.

Resolved

Not to grant a dispensation in relation to Landford Parish Council's consideration of planning application 10/9523, as Councillor Martin's prejudicial interest was of a financial nature arising as a result of the potential effect of the application on the value of his property and that public confidence would be likely to be undermined if a dispensation were to be granted under these circumstances.

6. **Consideration of a dispensation request by Cllr Sylvia Pender, Landford Parish Council**

The Monitoring Officer introduced the report and said that Councillor Pender considered herself to have a personal and prejudicial interest in this application as she is a governor of New Forest School and has two children who attend New Forest School.

The sub-committee considered the application and agreed that Councillor Pender did have a personal and prejudicial interest and that the legal requirements for a dispensation were met. Having noted that Councillor Pender's prejudicial was not of a personal financial nature, the sub-committee unanimously

Resolved

To grant a dispensation to Councillor Pender to speak and vote on any matter relating to planning application 10/9523 being considered at a meeting of Landford Parish Council's Planning Committee.

7. **Consideration of a dispensation request by Cllr Alan Westmore, Landford Parish Council**

The Monitoring Officer introduced the report and said that Councillor Westmore considers himself to have a personal and prejudicial interest in the application as he is a governor of New Forest School. He has two children who attend New Forest School. He is paid to maintain the school grounds, and his wife is an employee of New Forest School. He also rents the field to the rear of the application site which is rented from the immediate neighbour of the application site.

The sub-committee considered the application and agreed that Councillor Westmore did have a personal and prejudicial interest and that the legal requirements for a dispensation were met. However, having regard to Standards for England advice on dispensations the sub-committee were of the unanimous view that it was inappropriate to grant a dispensation as they felt that public confidence in local decision-making would be likely to be undermined, given the personal financial nature of Councillor Westmore's prejudicial interest.

Resolved

Not to grant a dispensation in relation to Landford Parish Council's consideration of planning application 10/9523, as Councillor Westmore's prejudicial interest was of a personal financial nature and public confidence was likely to be undermined if a dispensation were to be granted in these circumstances.

(Duration of meeting: 2.00 - 2.55 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services, direct line 01225 718371, e-mail pam.denton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Code of Conduct Complaints Status Report

Month 2009	Cases received	Cases open (cumulative)	Assessed by Committee – investigation	Assessed by Committee – no investigation	To be assessed by Committee/other	Cases closed
April	12	12	8 & 1*	1	2**	0
May	2	14	0	1	1***	0
June	13	25	4	0	7** & 2***	2
July	3	26	1	0	2**	2
August	1	13	0	1	0	14
September	1	14	0	1	0	0
October	5	18	2	3	0	1
November	7	24	2	3	2****	1
December	0	23	0	0	0	1
Month 2010						
January	0	18	0	0	0	5
February	1	16	0	1	0	3
March	3	19	0	3	0	0
April	4	19	0	4	0	4
May	3	19	2	1	0	3
June	0	14	0	0	0	5
July	6	19	1	5	0	1
August	3	22	1 (referred to SfE)	1	1****	0
September	5	21	0	4	1**	6
October	1	17	0	1	0	5
November	7	20	0	7	0	4
December	0	18	0	0	0	2
Totals	77	n/a	22	37	18	59

Appeals received
0
0
0
0
0
0
0
0
0
0
1 (overturned)
2 (upheld)
0
0
1 (upheld)
1 (upheld)
0
0
0
4 (upheld)
1 (upheld)
0
0
10

* complaint presented to an Assessment Sub-Committee at Salisbury District Council and transferred to Wiltshire Council for investigation 01/04/09
 ** further and better particulars requested but not received – complaint closed
 *** not code of conduct complaint – complaint closed
 **** complaint withdrawn
 N.B. Two additional Appeals have been received but these relate to carried over complaints from former district councils and are not recorded in these figures

Hearings

2009	Number of hearings	Date(s) and type(s) of hearing	Outcome	Appeal (Y/N)
April	0			
May	4	13/05/09 – 4 x Assessment Sub-Committee	3 investigations & 1 alternative action by MO	No
June	4	23/06/09 – 4 x Assessment Sub-Committee	3 investigations & 1 no breach	No
July	4	07/07/09 – 4 x Assessment Sub-committee	4 investigations	No
August	2	10/08/09 & 27/08/09 – 2 Assessment Sub-Committees	1 investigation & 1 no further action	No
September	0			n/a
October	1	15/10/09 – 1 x Assessment Sub-Committee	No further action	No
November	5	19/11/09 - 5 x Assessment Sub-Committee	1 investigation & 4 no further action	Yes (1)
December	7	02/12/09 – 4 x Assessment Sub-Committee 10/12/09 – 3 x Assessment Sub-Committee	2 investigations & 2 no further action 1 referral to MO & 2 adjournments (complaints now withdrawn and closed)	Yes (2)
2010				
January	0			n/a
February	5	03/02/10 – 1 x Assessment Sub-Committee (referred back following death of subject member (original decision – investigation)) 03/02/10 – 3 x Review Sub-Committee 09/02/10 – 1 x Consideration Sub-Committee	No further action 2 decisions upheld and 1 overturned – investigation Referral to Determination Sub-Committee	No
March	4	02/03/10 – 1 x Consideration Sub-Committee 30/03/10 – 3 x Assessment Sub-Committee	Referral to Determination Sub-Committee 1 referral to MO & 2 no further action	Yes (1)

Standards Committee 18 May 2011

2010	Number of hearings	Date(s) and type(s) of hearing	Outcome	Appeal (Y/N)
April	4	12/04/10 – 1 x Determination Sub-Committee 15/04/10 - 3 x Consideration Sub-Committee	Failure to comply – sanction: censure 2 no failure to comply – closed 1 referral to Determination Sub-Committee	n/a
May	10	11/05/10 – 5 x Assessment Sub-Committee 13/05/10 – 1 x Determination Sub-Committee 25/05/10 – 3 x Assessment Sub-Committee 25/05/10 – 1 x Review Sub-Committee	2 no further action, 1 referral to MO and 2 referrals to SfE * Failure to comply – sanction: training 2 investigations & 1 no further action Decision upheld	Yes (1)
June	1	17/06/10 – 1 x Review Sub-Committee	Decision upheld	n/a
July	4	05/07/10 – 1 x Determination Sub-Committee 27/07/10 - 3 x Consideration Sub-Committee	Failure to comply – no further action 3 referrals to Determination Sub-Committee	n/a
August	6	19/08/10 - 6 x Assessment Sub-Committee	1 investigation & 5 no further action	Yes (4)
September	7	07/09/10 – 1 x Assessment Sub-Committee 07/09/10 – 1 x Consideration Sub-Committee 28/09/10 – 1 x Assessment Sub-Committee 29/09/10 – 4 x Review Sub-Committee	1 x no further action 1 x no failure to comply 1 x investigation - referred to SfE * 4 x no further action	Yes (1)
October	7	06/10/10 – 2 x Determination Sub-Committee 14/10/10 - 1 x Determination Sub-Committee 21/10/10 – 4 x Assessment Sub-Committee	2 x no failure to comply 1 x 1 no failure to comply & 1 failure to comply – sanction: training 4 x no further action	
November	3	16/11/10 – 3 x Assessment Sub-Committee	3 x no further action	Yes (2)
December	5	07/12/10 - 2 x Assessment Sub-Committee 07/12/10 – 1 x Review Sub-Committee 14/12/10 – 2 x Consideration Sub-Committee	2 x no further action Decision upheld 1 x referral to Determination Sub-Committee 1 x no failure to comply - closed	

* SfE decisions – no further action

2011	Number of hearings	Date(s) and type(s) of hearing	Outcome	Appeal (Y/N)
2011				
January	9	11/01/11 - 3 x Assessment Sub-Committee 11/01/11 - 1 x Consideration Sub-Committee 27/01/11 - 2 x Assessment Sub-Committee 27/01/11 - 3 x Consideration Sub-Committee	3 x no further action 1 x referral to Determination Sub-Committee 2 x no further action 3 x referral to Determination Sub-Committee	Yes (2)
February	5	08/02/11 - 1 x Assessment Sub-Committee 24/02/11 - 1 x Consideration Sub-Committee 24/02/11 - 3 x Assessment Sub-Committee	1 x no further action 1 x no failure to comply 3 x no further action	Yes
March	2	17/03/11 - 1 x Determination Sub-Committee 30/03/11 - 1 x Determination Sub-Committee	1 x no failure to comply 1 x 1 no failure to comply & 4 failures to comply (no sanctions)	n/a
April	20	13/04/11 - 3 x Review Sub-Committee 13/04/11 - 17 x Assessment Sub-Committee	Decisions upheld 17 x no further action	

Investigations

Case reference	Date of Assessment hearing	Progress	Estimated date of final report
WC 06/09	13/05/09	Determination Sub-Committee 13 May 2010 – failure to comply (sanction – training) - closed	N/A
WC 14/09	23/06/09	Consideration Sub-Committee 15 April 2010 – no failure to comply – closed	N/A
WC 15/09	23/06/09	Consideration Sub-Committee 15 April 2010 – no failure to comply – closed	N/A
WC 18/09	13/05/09	Determination Sub-Committee 6 October 2010 – no failure to comply - closed	N/A
WC 19/09	13/05/09	Determination Sub-Committee 6 October 2010 - no failure to comply - closed	N/A
WC 20/09	23/06/09	Determination Sub-Committee 17 March 2011 – no failure to comply - closed	N/A
WC 24/09	07/07/09	Determination Sub-Committee 12 April 2010 – failure to comply (sanction- censure) - closed	N/A
WC 30/09	07/07/09	Determination Sub-Committee – 19 May 2011	N/A
WC 31/09	07/07/09	Determination Sub-Committee – 19 May 2011	N/A
WC 32/09	07/07/09	Determination Sub-Committee – 19 May 2011	N/A
WC 33/09	07/07/09	Determination Sub-Committee 14 October 2010 – 1 no failure to comply & 1 failure to comply (sanction – training) - closed	N/A
WC 38/09	19/11/09	Determination Sub-Committee 5 July 2010 – failure to comply (no further action) closed	N/A
WC 43/09	02/12/09	Draft report despatched – comments received from subject member	May 2011
WC 45/09	02/12/09	Draft report despatched – comments received from subject member	May 2011
WC 42/09	03/02/10 (Review Sub-Ctte)	Consideration Sub-Committee 7 September 2010 – no failure to comply - closed	N/A
WC 09/10	25/05/10	Consideration Sub-Committee 14 December 2010 – no failure to comply - closed	N/A
WC 10/10	25/05/10	Determination Sub-Committee 30 March 2011 - 1 no failure to comply & 4 failures to comply (no sanction) - closed	N/A
WC 12/10	19/08/10	Consideration Sub-Committee 24 February 2011 – no failure to comply - closed	N/A

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COMMITTEE'S WORK PLAN

<u>Meeting Date and Time</u>	<u>Name of Report</u>	<u>Scope of Report</u>
Wednesday 20 July 2011	Annual Governance Statement	
	Status Report on Complaints made under the Code of Conduct	
	Minutes of Sub-Committees	
Wednesday 21 September 2011	Annual Report of the Local Government Ombudsman (tbc)	To consider the report and make recommendations as appropriate
	Status Report on Complaints made under the Code of Conduct	
	Minutes of Sub-Committees	
	Review of the Standards Committee Plan 2010-2014	
	Department of Community Services Compliments and Complaints Annual Report 2010 - 2011	

Future meeting dates:

23 November 2011

11 January 2012
7 March 2012

By virtue of paragraph(s) 7c of Part 1 of Schedule 12A of the Local Government Act 1972.

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