

AGENDA

Meeting: **STANDARDS COMMITTEE**
Place: **Council Chamber - Council Offices, Monkton Park,
Chippenham, SN15 1ER**
Date: **Wednesday 2 May 2012**
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 Julian Johnson, Cllr Howard Marshall 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. **Apologies**

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

To confirm and sign the minutes of the Committee meeting held on 7 March 2012 (copy attached).

3. **Chairman's announcements**

4. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests.

5. **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 no later than 5pm on Wednesday 25 April 2012. 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.

6. **Revised Planning Code of Good Practice for Members of Wiltshire Council**
(*Pages 5 - 16*)

To consider the revised Code and the recommendations of the Focus Group on the Review of the Constitution.

7. **Review of the Council's Overview and Scrutiny Arrangements**

To consider the report of the Scrutiny Manager (designated Scrutiny Officer). (*to follow*)

8. **New Standards Framework**

To consider a draft Code of Conduct drawn up by the Standards Task and Finish Group. *(to follow)*

9. **Standards Committee Annual report (Pages 17 - 28)**

To consider the final version of the Annual report

10. **Annual report on dispensations granted.**

To consider the report of the Head of Governance *(to follow)*.

11. **Outcome of Standards Hearing Sub-Committee (Pages 29 - 38)**

To consider the report of the Monitoring Officer.

12. **Outcome of Two Standards Consideration Sub Committees (Pages 39 - 50)**

To consider reports of the Monitoring Officer.

13. **Status Report on Complaints made under the Code of Conduct (Pages 51 - 58)**

To consider the Status Report on Complaints.

14. **Forward Plan (Pages 59 - 60)**

To consider the Forward Work Plan.

15. **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.

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

None

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STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 7 MARCH 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Wiltshire Council Members

Cllr Nigel Carter, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Julian Johnson, Cllr Howard Marshall and Cllr Ian McLennan

Town/Parish Council Co-opted Members

Mr William Bailey, Mr Paul Neale, Mr Robert Oglesby JP, Mr John Scragg, Miss Pam Turner and Mr Keith Wallace

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)

Also in attendance

Cllr Francis Morland

13. Apologies

Apologies were received from Mr Craig McCallum and His Hon David MacLaren Webster QC.

14. Minutes of previous meeting

The Chairman took the opportunity to thank members of the committee for their valuable input on contract regulations which was submitted to the Head of Procurement.

The minutes of the meeting held on 25 January 2012 were presented.

Resolved:

To approve the minutes as a correct record.

15. Declarations of Interest

There were no declarations of interest.

16. Chairman's announcements

The Chairman detailed the content of the two forthcoming meetings.

- 18 April 2012, Monkton Park Council Chamber 2pm
To discuss the Overview and Scrutiny review outcomes, Standards Annual Report and the Scheme of Delegation.
- 2 May 2012, Monkton Park Council Chamber 2pm
To discuss proposals for the new Standards Regime and the transitional arrangements.

17. Public Participation and Questions from Committee Members.

There were no members of the public present.

18. Recommendations of the Focus Group on the Review of the Constitution

The Monitoring Officer introduced the report, which updated the Committee on the developments since the previous meeting with input from the Constitution Focus Group and members of the Standards Task and Finish Group on the new Standards Framework.

After a lengthy discussion Members made changes to the recommendations contained within the report and to the wording of the draft Terms of Reference, Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011, and Job Description and Person Specification. It was agreed that fine-tuning of the wording should be delegated to the Task and Finish Group with the revised version of each document being brought back to the Committee for final approval before onward recommendation to Council on 15 May.

Resolved

To recommend Council as follows:

(1) To establish a standards committee in accordance with the terms of reference at appendix 1, subject to further revision by the Standards Task

and Finish Group to reflect the Committee's wishes.

(2) To adopt the arrangements for dealing with code of conduct complaints as set out in appendices 2 and 3, subject to further revision by the Standards Task and Finish Group to reflect the Committee's wishes.

(3) To approve the job description and person specification for the independent person as set out in Appendix 4, subject to further revision by the Standards Task and Finish Group to reflect the Committee's wishes.

(4) To authorise the Monitoring Officer, in consultation with the chairman of the new standards committee and/or the Chairman of the existing Standards Committee, to take the necessary steps to secure the appointment of 2 independent persons and one reserve by the Council.

(5) To agree an appropriate rate of remuneration for the independent person, having regard to arrangements being made by other authorities and the advice of the Independent Remuneration Panel.

(6) Pending the issue of the regulations on interests and the emergence of any national template code of conduct, to use the existing code of conduct as the basis for a new code of conduct, amended as necessary to meet the requirements of the new legislation.

(7) To support parish, town and city councils in Wiltshire in preparing for the new standards framework and to consult them as far as possible on the proposed arrangements for Wiltshire Council.

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

The Committee reviewed the Standards Committee Plan 2010 – 2014. It was noted that there had been no change to the Standards Committee's Goals, Output or Targets. All developments were annotated within the comments column.

The Monitoring Officer explained that the arrangements for dealing with existing complaints after implementation of the new standards framework on 1 July 2012 will be subject to transitional regulations, which are awaited.

Resolved

To note the Plan.

20. **Status Report on Complaints made under the Code of Conduct**

The Monitoring Officer presented the report. The challenging workload was noted. Members conveyed their thanks for the useful breakdown of the case data.

Resolved

To note the report.

21. **Minutes of Sub-Committees**

The minutes of the Dispensation Sub-Committee held on 19 January 2012 were presented.

Resolved:

To note the minutes.

22. **Forward Plan**

The forward plan was presented.

Resolved

To approve the forward plan as amended.

23. **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.15 - 4.25 pm)

The Officer who has produced these minutes is Anna Thurman, of Democratic Services, direct line 01225 718379, e-mail anna.thurman@wiltshire.gov.uk

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

The Planning Code of Good Practice for Members of Wiltshire Council

1. Why a 'Code of Good Practice' is required

- 1.1. As a local councillor you will inevitably be involved in planning matters; as a councillor representing your division's constituents; as a councillor responsible for overseeing the planning framework for Wiltshire, or as a councillor responsible for deciding planning applications at an area or strategic planning committee. You will have a crucial role to play in both making the planning system work and ensuring the best possible outcomes for the community, both now and in the future.
- 1.2. The key purpose of planning is to manage development in the public interest. However, concerns are sometimes expressed about the probity of councillors meeting developers, applicants and interest groups and then taking decisions on an impartial basis. The aim of this code of good practice is to ensure that in the planning process in Wiltshire there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. Your role as a member of the council is to make planning decisions openly, impartially, with legally sound judgement and for justifiable reasons. This Code of Good Practice has been prepared to help you in this task.

2. When the Code of Good Practice applies

- 2.1. This code applies to councillors at all times when involving themselves in the planning process. This includes not just the taking part in the planning committee meetings of the council, but on less formal occasions, such as meetings with officers, the public, parish/town/city councils and pre-application and consultation meetings. It applies equally to planning enforcement matters or site-specific policy issues as it does to planning applications.
- 2.2. If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his/her staff, and preferably well before any meeting takes place.
- 2.3. This code is based upon the 'Model Members Planning Code' adopted by the Association of Council Secretaries and Solicitors in 2003 (updated in 2007). The Model Code was produced following consultation with the Standards for England, the Local Government Ombudsman and the Audit Commission [but has been updated to take account of the clarification of the predetermination rules contained in the Localism Act 2011-](#)

3. Relationship to the 'Members' Code of Conduct'

- 3.1. The Members' Code of Conduct must be complied with at all times. This Planning Code of Good Practice seeks to explain and supplement the Members' Code of Conduct for the purposes of planning. It provides helpful guidance for members. However, you are advised that if you do not abide by this Code of Good Practice, you may put the council at risk of proceedings on the legality or maladministration of the related decision and yourself at risk of either being named in a report made to the Standards Committee or council or, if the failure is also likely to be a breach of

the Code of Conduct, a complaint being made to the Standards Committee.

3.2. In the event of a conflict between this Planning Code of Good Practice and the Members' Code of Conduct the latter will prevail.

4. Development proposals and interests under the Members' Code

4.1. It is a fundamental point of principle that those who have a significant interest in the outcome of a planning decision should not take part in the decision making process, for example, Members may wish to make their own planning proposals, such as extending their own property.. Members should disclose the existence and nature of their interest at any relevant meeting, including informal meetings or discussions with officers and other members. Such interests should be declared at the start of the meeting.

4.2. Where your interest is personal and prejudicial:

- Notify the Monitoring Officer in writing or by e-mail of your interest, if at all possible no later than the submission of the proposal;
- Consider employing an agent to act on your behalf in dealing with officers and any public speaking at Committee - at any meeting, you must ensure that you leave the room whilst the meeting considers it;
- Ask another elected member to represent division views;¹
- Do not participate in the processing of the application or the making of any decision on the matter by the Council;
- Do not seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a councillor.
- Your proposal will not be dealt with by officers under delegated powers if a valid planning objection to it is received. Where this happens it will be reported to a committee for a decision.
- At the meeting of the committee you may speak on the application, but only to the extent permitted for members of the public (not as a local member) in accordance with paragraph 9.6 below. You must then leave the room.

5. Fettering discretion in the planning process

5.1. The integrity and public support for the planning process relies on members of planning committees making decisions that are open, transparent and above board. To participate in decision-making on planning matters, it is essential that you do not have a closed mind and that you make your final decision only when you have seen and heard all the evidence and arguments presented, including the Officer's report and representations on both sides prior to any committee meeting and base your final decision when you have seen the officer's report and hear the evidence and arguments on both sides.

The Localism Act has helpfully clarified the rules on predetermination. Predetermination occurs where someone has a closed mind so that they are unable to apply their judgment fully and properly to the issue requiring a decision. This can lead to legal challenges and decisions being set aside.

¹ It is perfectly acceptable for councillors to nominate a substitute(s) to undertake their planning responsibilities, including application 'call in', if they have a conflict of interest or during periods of absence such as holidays or illness. In the case of death, the Chairman will nominate a stand in.

The Act makes it clear that a member is not deemed to have had a closed mind on an issue just because they have indicated what view they have taken or may take before the issue is decided. A member is not, for example, prevented from participating in discussion of an issue or voting on it if they have campaigned on the issue or made public statements about their approach to it.

The general position, however, remains that, whatever their views, members must approach their decision-making with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views if persuaded that they should.

5.2. *Where I am a member of a parish, town or city council, can I still attend the parish/town/city council meetings where planning matters are discussed and still be a member of a Wiltshire Council planning committee?*

You can still take part in debates on planning proposals at parish/town/city council meetings, provided that:

- The proposal does not substantially affect the well being or financial standing of the city/town/parish council;
- You must make it clear to them that any views you express are based on the limited information before you only and that you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee;
- You make it clear that you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that parish, as and when it comes before the Committee and you hear all of the relevant information;
- When the development proposal comes up for consideration at a Wiltshire Council Planning Committee, if you intend to speak or vote you should disclose the personal interest regarding your membership or role at the town/city or parish council.

6. Contact with applicants, developers and objectors

6.1. As a community leader and local representative you will want to be involved in relevant public meetings, pre-application discussions and policy production. Councillors can involve themselves in discussions with developers and others about planning matters provided you keep to the following guidelines:

- Where developers organise a public exhibition or display of their proposals, it is acceptable to visit to examine the proposals and ask questions of the developers to ensure that you are fully informed of the nature of the proposals. You may feed in your own and your local community's concerns and issues and engage in discussion. However, irrespective of any position adopted in advance of a planning meeting you must have and be seen to have an open mind at the point of decision-making and base your decision on the information available at that time.
- Pre-application meetings with developers or prospective applicants may be a positive way of engaging the developer to seek to ensure that community needs are met. However, if approached, you should refer any requests for such a meeting to an officer of the Development Service. The officer(s) will then

organise the meeting and ensure that those present are advised from the start that the discussions will not bind the authority to any particular course of action and that the meeting is properly recorded.

- Refer those who approach you for planning, procedural or technical advice to officers;
- Advise those looking for policy guidance to examine the policies in adopted local plans and the Local Development Framework;
- Avoid meeting developers alone or putting yourself in a position where you appear to favour a person, company or group.

7. Lobbying and councillors

7.1. Lobbying is recognised as a normal and proper part of the political process. However, it is important for members to protect their impartiality and integrity in planning matters. You will not breach this code of Good Practice by listening to or receiving viewpoints from residents or other interested parties provided that you make it clear that your final position will be determined at the end of the planning process when you are aware of all of the material considerations. Councillor's attention is drawn to the following advice: -

- Avoid accepting gifts or hospitality from any person involved or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure that its acceptance is declared as soon as possible and enter it into the register of interests where its value exceeds £25 (twenty five pounds) in writing within 28 days of accepting such hospitality;
- Pass a copy of any lobbying correspondence that you receive to the relevant Development Control Area Team Manager or the case officer at the earliest opportunity;
- Do not pressurise or lobby officers for a particular recommendation;
- Promptly refer to the Development Control Area Team Manager any offers made to you of planning gain or constraint of development, through a Section 106 Planning Obligation or otherwise;
- Inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) who will in turn advise the appropriate officers to follow the matter up.
- Political Group Meetings should never dictate how Members should vote on a planning issue and members should not excessively lobby fellow councillors regarding concerns or views, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

7.2. *Can I remain a member of an amenity society when it makes representations on planning matters?*

There are many general interest groups who concentrate on issues beyond particular planning proposals. These include bodies such as the National Trust; CPRE; Wiltshire Archaeology and Natural History Society; Ramblers Association; local civic societies. It is acceptable to be members of these societies, provided that a personal interest is declared when that organisation has made representations on a particular proposal and you make it clear that you have reserved judgement and the independence to make up your own mind on each separate proposal. However,

if you become a member of or lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals, you will have ensure that you still have an open mind and will again have regard to all material considerations at the time any decision is made.

8. The role of officers

8.1. Officers and members work together to deliver the outcomes that seek to deliver the right development at the right place at the right time, whilst protecting the built and natural environment. It is therefore essential that there is mutual trust and understanding between officers and members. Officers will advise and assist members in their formulation of planning advice and the determination of applications and will provide:

- Impartial and professional advice;
- Committee reports that include a clear and accurate analysis of the issues in the context of the relevant development plan and other material considerations; the substance of the representations and views of those who have been consulted and a clear recommendation of action.

Officers will process and determine applications in accordance with the council's code of Conduct for Officers and the Royal Town Planning Institute's Code of Professional Conduct.

9. Decision making

9.1. Planning decisions are made within the context of a national, regional and local planning framework and Inspectorate decisions. By law, the council has to make decisions in accordance with the Development Plan unless material planning considerations indicate otherwise.

9.2. As a member, you can request that the relevant planning committee considers a planning application in your division and not be dealt with under delegated powers (although there are a few exceptions, such as tree applications, set out in the Scheme of Delegation). To call-in an application, you need to do this in writing, (an electronic proforma is available for electronic submission), and send it to the relevant area team manager or case officer handling the application. Requests must be received within 21 days of the circulation of the weekly list (but there are some exceptions set out in detail in the Scheme of Delegation to Officers – Part 3B of the Constitution). The proforma must record planning reasons why the committee should deal with the application. (It would be helpful if councillors would contact the case officer prior to call-in to discuss the planning issues involved and whether a call-in is necessary.) Following receipt of a request, officers will confirm the action to be taken and keep the member informed when they are ready to make a recommendation.

9.3. While there is a strong presumption that the Division Member's views on call in should prevail, if another Member (i.e. one from a neighbouring division which is affected by the development) thinks an application should go to committee and this is contrary to the view of the local Division Member, it will be open to that member to discuss the application with the Chairman of the committee. Having discussed the application and considered the possible impacts the Chairman will then have the ability to ask for the application to proceed to committee for determination. In the rare event that the

application is in the Chairman's own division, the adjoining member can discuss the application with the Director of the service.

9.4. Councillors should arrive at meeting with an open mind and make a decision only after due consideration of all the information reasonably required to make that decision including any matters reported at the meeting. If you feel that there is insufficient information before you, you should request that further information. If necessary, defer or, if the grounds are adequate, refuse the proposal.

9.5. *Site Visits* – Councillors will be expected to be familiar with the site and the issues surrounding the decision when they arrive at a committee meeting. It is acceptable to visit the site and, if necessary, surrounding properties that may be affected by the proposal, as an individual councillor before the meeting, although councillors should not enter onto a site without the consent of the owner. On no account should councillors express a view on the merits of the application to anyone, including the applicant, owner or any third party. With regard to the Strategic Committee, for major and controversial applications arrangements will exceptionally be made for organised site visits where these are considered necessary.

The committee reports and officer presentations should provide ample information for councillors to determine applications. Very exceptionally, councillors at a committee may feel that a site visit is appropriate to assess the implications of the development. In these cases, reasons for the site visit will be provided and consideration of the application should be deferred pending the visit. (The site visit will be arranged by officers and although the owner's permission will be required, there should be no dialogue with members of the public or applicant/owner during the visit.) The application will then be re-listed on the following agenda.

9.6. *Public Speaking at Meetings* - The council has an established procedure in respect of public participation at planning meetings. This should be complied with. In particular, it is not permissible during meetings for members of the public to communicate with councillors debating the proposal either orally or in writing, as this may give the appearance of bias.

Consultees and members of the public who wish to speak at a planning meeting, either in favour of or against an application will be asked to register with Democratic Services. Notification can be given in advance of the meeting, but not before the agenda has been published, by contacting the Democratic Services Officer identified on the agenda. However it should be noted that the Democratic Services Officer must receive registrations in person at least ten minutes prior to the meeting; registration will take place on a first come first served basis and if someone fails to register in person the opportunity to speak will be offered to someone else if appropriate. If a large number of speakers wish to speak on an application, Democratic Services will advise them to coordinate their speakers.

Town/parish/city councils will have an individual four minute representation slot should they wish to speak. Only one representative per council should speak and it is important that the spokesperson expresses the formal views

of their council, and not their own individual thoughts. If an application is near the boundary with an adjacent parish, each affected council will have a four minute slot. Any additional time will be at the committee chairman's discretion.

There will be a maximum of three members of the public permitted to speak in objection to an application and three members of the public permitted to speak in support of an application. Where a committee member with a prejudicial interest wants to speak as a member of the public (as they are entitled to do) they will need to secure one of the 'public slots'.

Each speaker will be allotted 3 minutes to address the committee and an audible 30 second warning may sometimes be given before the end of the three minutes.

In the case of particularly controversial or large scale applications the chairman of the committee will have discretion over these timings and will be able to allow more speakers. It is imperative, however, in the interests of natural justice that any increase in time allowance is applied equally between those speaking for and against.

9.7. Decisions Contrary to Officer Recommendation

There will be occasions when councillors wish to make a decision that conflicts with the planning officer's recommendation. In these circumstances, members proposing, seconding or supporting such a decision must clearly identify and understand the planning reasons leading to this decision and must give the planning officer an opportunity to explain the implications of it. The reasons for the decision must be given prior to the vote and be recorded. If an application is to be approved, councillors should set out any particular conditions they would like imposed which will be in addition to the 'standard' conditions for that type of development which will be added by officers. An opportunity must be given to the planning officer to comment on conditions suggested by members and if necessary, the application should be deferred to the next available meeting to enable proper consideration to be given to the wording needed to achieve members' objectives or members may delegate to the officers the imposition of suitable conditions.

Reasons for refusal against officer advice must be planning related, clear and convincing. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge or appeal.

Where councillors think they could have concerns about any given recommendation at committee, officers will be happy to discuss the application beforehand to explore the options which may be open to the Members.

In cases where councillors have overturned a recommendation and the applicant lodges an appeal with the Planning Inspectorate which will be dealt with by way of hearing or public inquiry, Members should be prepared to defend that decision. This defence should be made in person or, at the Member's discretion in writing. Where Members attend and give evidence as

part of the council's 'official team,' e.g., they are supported by counsel (as opposed to turning up to speak on an individual basis,) a Rule 6 statement will be required which usually has to be submitted nine weeks before the appeal hearing/inquiry. (Members may of course also be called upon to support the council's case on appeal where the decision has been made in line with the officer recommendation.)

10. Training

Planning is a complex area, but one that generates a great deal of interest amongst local residents and is at the heart of much of the activity of the council. Great care needs to be taken over procedural matters and to ensure that consideration of applications takes place in a clear and open manner and that decisions are based on sound planning principles. For these reasons, it is **mandatory** for all elected councillors of Wiltshire Council to have training in planning matters prior to sitting on a planning committee. All elected councillors will be able to attend this training and it will be arranged immediately after each election. For those elected at by-elections, similar training will be made available.

11. The order of events at committee meetings

Meetings will normally commence at 6 p.m. and the applications will be determined in the order in which they appear in the agenda unless the chairman has valid reasons for changing the order. Officer will try and ensure that applications which are likely to attract large numbers of the public appear early in the agendas. If the order is changed, this will be announced at the start of each meeting. The usual procedure will be:

- a) The planning officer will introduce each item and set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting.
- b) Committee Members will then ask the officer to clarify any points/ask technical questions.
- c) Members of the public who wish to make representations opposing the application will then be invited to do so. (up to 3 minutes each)
- d) Members of the public/applicant/agent (in this order) who wish to make representations in support of the application will then be invited to do so.
- e) Consultees who wish to make representations will be invited to do so. (up to 3 minutes each)
- f) The town/city or parish council representative, if present, will then be invited to make representations. (up to 4 minutes each)
- g) The division member will be invited to make representations².
- h) The planning officer will then have an opportunity to respond to comments or provide clarification of any points raised.
- i) The chairman will then normally ask if anyone is prepared to move the officer recommendation or propose an alternative motion. Once a motion has been

² Any division member, be they a member of the committee or not is welcome to attend committee meetings and make representations on any application within their division. Councillors who are part of the committee will have voting rights but those who are not can speak, but are not eligible to vote. Division members who are not on the committee may be invited to participate in any debate at the chairman's discretion.

seconded it will be open to the councillors to debate it and ask further questions of officers if required and determine the issue. The rules of debate as detailed in Part 4 of the Constitution will apply.

Wiltshire Council Planning Site Visit Protocol

1. Arranging the visit

When members have decided in committee that they would like to visit a site, they will be asked to agree a time and date at the end of the meeting. If this is not possible, a schedule for the visit will be agreed between the chairman and officers. This will identify the timetable for the meeting, invited attendees and what matters will be viewed on site.

Democratic services will then notify the applicant or their agent of the time and date of the site visit and seek authority for councillors and officers to visit the site. Where the application site is on private land, the applicant or agent will be requested to be in attendance only to facilitate access.

All members of the relevant development regulatory committee will be invited to attend the site visit as will the local division member should he or she not be on the committee. Where a proposal would have a significant impact on an adjoining division, the adjoining division member will similarly be invited to attend.

On occasion, officers of other services such as highways or archaeology may be invited (by the area development manager) to attend a site visit to clarify factual matters.

Councillors are reminded that they have no right of entry to private land except by permission of the owner and that they and officers should not enter a private site until all are present and an officer has made contact with the landowner/operator/applicant.

In the unlikely event that the landowner will not give permission to enter a private site, the site will have to be viewed from public highway.

2. Conduct of the visit

The purpose of the site visit is to enable councillors to familiarise themselves with the site and its surroundings and in order to understand the issues more clearly when considering the application at committee.

While it may be necessary for an applicant or his agent to be present on the site (e.g. to provide access or for safety reasons), discussions with the applicant or their agent or any third party should be avoided and they will be advised that lobbying of councillors is unacceptable. Presentations by applicants will not be permissible.

At the request of the chairman, the planning officer will describe the proposal to councillors and will display appropriate plans or drawings of the proposal. (It is expected that councillors will already be familiar with the planning officer's report) The planning officer will indicate matters of fact in relation to the proposal and surrounding land which councillors should take into account.

Questions by councillors should be addressed to the planning officer and be of a factual nature, for example, distances to adjoining or objectors' properties or the landscape features to be retained. If it is necessary to seek information from the applicant or agent on site this will be done by an officer.

At no time during the site visit should councillors debate or comment on the planning merits or otherwise of a proposal.

The role of the local division member will be limited to drawing attention to features of the site that he/she considers relevant to the committee's understanding of the site, its surroundings and the proposal. The local member will not be permitted to make representations on the merits or otherwise of the application.

3. General

- Councillors should avoid being separated; it is essential that they should not allow themselves to be lobbied or enter into a debate about the application.
- Councillors should ensure that they have seen all aspects of the site suggested by the accompanying officer or the chairman during the visit.
- Councillors will not make any decision at the site visit and individual members should keep an open mind about the merits or otherwise of the proposal to which the site visit relates.
- The application will usually be the first item on the agenda of the following Planning Committee meeting where the decision will be made.

4. Record of the visit

A record of the visit will be retained on the planning application file. The record will include the timetable for the meeting, attendees and what matters were viewed on site.

Notes:

- Officers will identify relevant health and safety issues for all site visits. All health and safety instructions, as issued by the site owner/operator must be strictly followed.
- Where appropriate, protective clothing e.g. visibility jackets, hard hats will be provided for councillors on arrival at the site. Councillors should, however, be aware of the need to wear appropriate footwear.
- In the interests of sustainability and highway safety, it is recommended that car-sharing opportunities be used where practical to minimise travelling and parking.

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Wiltshire Council
Standards Committee
Annual Report 2011/12

Foreword by the Chairman

Once again I am delighted to present the Wiltshire Council Standards Committee Report for 2011/2012. It explains who sits on the committee, what it does, its achievements over the last year and the tasks the current committee faces before it retires on 30 June as required by the Localism Act 2011. I know that Wiltshire Council take seriously the need for good governance and high standards of behaviour not only to ensure public confidence in its actions but also so that it is effective in delivering its responsibilities. I am confident this will continue in the future under the new arrangements coming into force on 1 July 2012

It has been a busy year for the Standards Committee and the officers who provide it with excellent support. The main areas of work have been:

- Handling complaints arising from the Wiltshire Council Code of Conduct
- Refining the current local assessment processes to ensure they are efficient and fair with particular emphasis on reducing the time taken to complete investigations of Code of Conduct complaints
- Reviewing the Wiltshire Council Constitution in conjunction with elected members
- Developing proposals for the new standards framework required by the Localism Act 2011
- Supporting and advising Town and Parish Councils on governance issues including the changes brought about by the Localism Act 2011

Discussion at all our meetings has always been open and constructive and I welcome any members of the public who wish to attend and contribute to our discussions. I would like to thank my fellow members and our officers for their hard work and valuable contributions both in committee and at the many other times when they support the committee's work. We have developed sound proposals for the new standards framework using our experience of delivering the current local assessment process and listening to Members, officers and the public's views on it. Most importantly we have reduced substantially the time taken to complete the local assessment process and have introduced informal resolution of complaints at the early possible opportunity. This work has not been easy for either the Committee or its officers due to the number of changes introduced to the proposed act during its parliamentary stages and the current lack of regulations governing the new rules on interests and transitional arrangements. We have not yet completed our proposals on a new voluntary Code of Conduct but will make recommendations to Council in June.

I am delighted that the Wiltshire Council Standards Committee has continued to play an important role in the effective running of the Council over the last year. High standards of conduct are important in raising public trust in local democracy and the Standards Committee will continue to use its experience and knowledge to support the Council in developing an effective system to ensure these high standards are maintained now the mandatory regime has been abolished until its role is taken over by the new Standards Committee on 1 July this year.

Isabel McCord

Introduction

Under the Local Government Act 2000 all councils are required to have a standards committee. The Wiltshire Council Standards Committee's main role is to promote and maintain high standards of conduct of the 98 members of Wiltshire Council, co-opted members, church and parent governor representatives, 256 town and parish councillors and of Wiltshire Council's officers.

In achieving this role the committee carries out the following functions:

- assists elected and co-opted members and church and parent governor representatives to observe the members' code of conduct
- advises the council on the adoption or revision of the members' code of conduct
- monitors and advises the council about the operation of its code of conduct in the light of best practice, changes in the law, guidance from the Standards for England and recommendations of case tribunals under Section 80 of the Local Government Act 2000
- advises on training or arranges to train elected and co-opted members and church and parent governor representatives on matters relating to the members' code of conduct
- handles all matters relating to alleged breaches of the code of conduct for elected and co-opted members of Wiltshire Council and the town parish and city councils within Wiltshire Council's jurisdiction
- grants dispensations to elected and co-opted members and church and parent governor representatives from requirements relating to interests set out in the members' code of conduct
- promotes and oversees high standards of ethical governance throughout the council
- overviews the council's whistle-blowing policy
- overviews corporate complaints handling and reviews the implementation of recommendations made by the Ombudsman
- has oversight of Wiltshire Council's Constitution
- considers and determines applications for exemption to the requirements in relation to politically restricted posts.

Members of Wiltshire Council Standards Committee



Independent co-opted members (eight)

Jane Bayley, Michael Cronin, Philip Gill MBE JP, Isabel McCord, Stuart Middleton and Gerry Robson OBE, 2 vacancies

Wiltshire Council members (six)

Cllr Nigel Carter, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Howard Marshall, Cllr Julian Johnson and Cllr Ian McLennan

Town/parish council co-opted members (eight)

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

The Monitoring Officer

Wiltshire Council's Monitoring Officer, Ian Gibbons, and other officers from the governance team and democratic services team support the Standards Committee in its work. The Monitoring Officer is a statutory role responsible for ensuring that the council, its members and officers carry out their functions in a lawful manner.

Meetings

The following standards committee and sub-committees meetings were held (figures in brackets are for 2010/11):

Standards committee*	7(6)
Assessment sub-committee	14(13)
Review sub-committee	7(4)
Consideration sub-committee	3(8)
Hearing*	3(7)
Dispensation sub-committee*	3(10)

Meetings marked * are usually public meetings. Agenda, papers and minutes are on the Wiltshire Council web site (www.wiltshire.gov.uk).

How does local assessment work?

Wiltshire Council Standards Committee is responsible for receiving all complaints about alleged breaches of the code of conduct made against elected members of Wiltshire Council and the town and parish councils and co-opted members. There is an **initial assessment stage** when the **assessment sub-committee** of the standards committee meets to consider whether the complaint relates to a local member, if it involves a potential breach of the code and, if it does, whether it should be investigated or dealt with by other action such as training or mediation.

Depending on the outcome, the complainant can **appeal against the assessment sub-committee decision**. If this happens a **review sub-committee**, made up of different members of the standards committee from the assessment sub-committee will consider the appeal.

If a complaint is referred for investigation, a **consideration sub-committee** will consider the monitoring officer's investigation report and determine the next procedural steps in the light of the investigating officer's findings.

Finally the complaint will be considered by a **hearing sub-committee**, which will hear evidence and representations to determine if there has been a breach of the code and, if so, what sanctions are appropriate.

Complaints 2011/12

Number of complaints received

51 complaints were received between April 2011 and March 2012

The outcome of the complaints that were assessed was:

Action	Numbers
Investigated/under investigation	20
No investigation	28

The complaints that were not assessed fall into the following categories:

Reasons for no assessment	Numbers
Case closed as sufficient details not provided	0
Not a code of conduct complaint	0
Complaint withdrawn	0
Yet to be assessed	3

Breakdown of Code of Conduct Complaints

Paragraph of Code	Number of times cited 2011
3(1) – you must treat others with respect	41
3(2)(a) – you must not do anything which may cause your authority to breach any of the equality enactments	7
3(2)(b) - You must not bully any person	13
3(2)(c) – you must not intimidate any person who is or is likely to be a complainant	8
3(2)(d) – you must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority	10
4(a) – you must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonable to be aware, is of a confidential nature	1
4(b) – you must not prevent another person from gaining access to information to which that person is entitled by law	3
5 – you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute	31
6(a) – you must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage	20
6(b)(i) – You must, when using or authorising the use by others of the resources of your authority, act in accordance with your authority’s reasonable requirements	0
6(b)(ii) – you must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes)	0

Paragraph of Code	Number of times cited 2011
6(c) – you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a)	0
8(1)(a) – you have a personal interest in any business of your authority where either it relates to or is likely to affect: (ii) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority; (ii) any body – (aa) exercising functions of a public nature; (bb) directed towards charitable purposes; (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.	4
8(2)(a) – you have a personal interest in any business of your authority where either it relates to or is likely to affect a member of your family or any person with whom you have a close association	8
9 (1) – subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.	9
10 – subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.	13
12 (1) – subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority you must withdraw from the chamber where a meeting considering the business if being held	0
12(1)(c) – subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority you must not seek to improperly influence a decision about that business	1
13 (1)(b) – subject to paragraph 14, you must, within 28 days of your election or appointment to office (where that is later), register in your authority’s register of members’ interests details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority’s monitoring officer.	1

The work of the Wiltshire Council Standards Committee April 2011 – March 2012

Localism Act 2011

The committee considered the proposals in the Localism Bill during its passage through Parliament and the changes that would be required to the Council's standards framework. Once the Localism Act received Royal Assent on 15 November 2011 it noted the significant changes made to the earlier proposals in the Bill and refined its proposals for the new standards framework accordingly.

The committee has developed proposals for Council to consider on:

- Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011 including possible sanctions
- Terms of Reference for a new standards committee which will be an ordinary committee of the Council whose voting members will be drawn from members of Wiltshire Council
- Job Description and Person Specification of the Independent Persons appointed under Section 28(7) of Localism Act 2011

These proposals have been drawn up taking into account the views of the Constitution Focus Group.

The Committee has not developed a new code of conduct. It is awaiting further detail of a possible national template code and the regulations concerning the new rules on interests.

The Committee has considered how to support Town, Parish and City Councils in preparing for the new standards framework. To this end the Monitoring Officer wrote to them on 30 December 2011 updating them of the impact of the Act upon them. Further updates have been given primarily through the Parish Newsletter. Also the training package for Town, Parish and City Councils has been amended to include reference to the Localism Act.

Local assessment

The majority of Committee members sat on the various sub-committees involved in local assessment of code of conduct complaints.

The committee received regular updates on the number of complaints regarding alleged breaches of the code of conduct. In the case of complaints going forward to investigation it has been a significant challenge to achieve completion of the Investigating Officer's Report within the 6 months timescale set by the Committee. This has occurred mainly as a result of factors outside the Committee and Investigating Officers' control. The Committee understands the stress this puts on the Member concerned and apologises to Members where investigations have taken longer than 6 months.

The local assessment process was kept under review, which resulted in the Assessment Sub Committee giving specific direction to Investigating Officers on the areas of the complaint to be investigated and for the Findings of Fact to be clearly identified in the Investigating Officers' report. This has helped to reduce the time taken to complete the investigations.

Review of Wiltshire Council's Constitution

After reviewing the Wiltshire Council constitution in 2010 in the light of six months of operation after the move to a unitary council, Council, on the recommendation of the Standards Committee, asked that the Constitution Focus Group continue its work on developing the constitution in the light of the changes required by Localism Act 2011 and other changes in Council procedures to increase its efficiency.

The Focus Group has cross-party representation and includes four of the five political group leaders of the Council. It also includes representation from the Standards, Audit and Scrutiny Select Committees and is chaired by Mrs Isabel Mc Cord, Chairman of the Standards Committee.

The Focus Group met on four occasions between April 2011 and March 2012 to consider the following areas of the constitution:

- Changes to the Budget Process
- Media Relations Protocol
- Questions and Motions on Notice
- Senior Management Restructuring
- Contract Regulations
- Localism Act:
 - Standards Framework
 - Planning Code Of Good Practice

The Focus Group made a number of recommended changes to the constitution as documented in reports presented to meetings of the Standards Committee. The recommended changes were accepted by the Standards Committee and reported to Council meetings during the year. The Standards Committee's recommendations were accepted by the Council.

Politically Restricted Posts – Applications for Exemption

The Committee have taken on the responsibility considering applications for exemption from the holders of politically restricted posts. These applications will be determined by the Dispensation Sub-Committee. To date no applications have been received.

Local Government Ombudsman

In September Mrs Barbara Hedley, Assistant Local Government Ombudsman, gave a presentation on the role of the Ombudsman including recent changes and possible future development. It was noted that overall response times had slipped but it was hoped that this would be addressed under the systems review of complaints.

Standards Committee Plan

The Committee were updated in respect of the priorities in the Standard's Committee's plan at their meetings in November 2011 and March 2012.

Acceptable Usage policy – for email, internet and computer use

The Committee considered and endorsed a report which presented changes to the existing email, internet and computer use policy.

Annual Governance Statement

The committee considered the annual governance statement and made some revisions prior to it being considered by Cabinet and Audit Committee.

Wiltshire Council Behaviours Framework

The Committee received a briefing on the Wiltshire Council Behaviours Framework by Councillor Laura Mayes and Councillor Allison Bucknell at its meeting on 23 November 2011. This was very well received by the Committee and allowed it to see how it could support this important initiative.

Wiltshire Council Website

Work has been undertaken to ensure information on Standards of Behaviour in local government is easily accessible on the Wiltshire Council Website

Issues for 2012/13

The Committee will finalise its proposals for the complaints procedure and organisational structures of the new standards framework for presentation to Council at its meeting on 15 May 2012. These proposals will be explained to Wiltshire Councillors at their Localism Act 2012 briefing in April 2012.

It will make recommendations on a new Code of Conduct taking into account the development of a national code and the regulations regarding interests as well as drawing on the experience of the current code for Wiltshire Councillors.

The committee will continue to implement the current local assessment processes in a fair, efficient and proportionate manner until the new standards framework under the Localism Act comes into force on 1 July 2012 as well as complete its other core functions:

- consider the local government Ombudsman's annual report
- provide views on the council's annual governance statement prior to adoption by the audit committee
- review the effectiveness of the council's whistle-blowing policy
- ensure members' compliance with the code of conduct in respect of the completion of the register of members' interests and gifts and hospitality forms.

The Committee will continue to ensure support and training is provided to Town and Parish Councils on both effective governance and standards of behaviour. In

addition the Committee will continue to update Town, Parish and City Councils on the new standards framework and will send the draft Arrangements, SC TOR and Job Description for the Independent Members to Parish, Town and City clerks and WALC as well as including them in the April Parish Newsletter.

This report has been produced by Wiltshire Council's Standards Committee.

If you would like further information about the content or the work of the standards committee please contact:

Pam Denton Tel: 01225 718371 Email: pam.denton@wiltshire.gov.uk

Nina Wilton Tel: 01225 713078 Email: nina.wilton@wiltshire.gov.uk

Minutes of the standards committee can be found on the following link of the council's website:

<http://cms.wiltshire.gov.uk/standards committee>

You can also contact us by writing to: The Standards Committee, c/o the Monitoring Officer, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN

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Wiltshire Council

Standards Committee

2 MAY 2012

Outcome of Standards Hearing Sub-Committee

Purpose of Report

1. To report the outcome of the Standards Hearing Sub-Committee which was held on 21 February 2012 to consider an allegation of a breach of the Code of Conduct for Members.

Background

2. On 20 April 2011 the Monitoring Officer of Wiltshire Council received a complaint from Mr Robert Willis regarding the alleged conduct of Councillor Alan Hill, a member of Wiltshire Council. The allegation concerned Councillor Hill's alleged comments and manner towards the complainant, Mr Willis during a visit to the site of Mr Willis' planning application in September 2010.
3. On 13 May 2011, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor Hill. In accordance with section 57A(2) of the Local Government Act 2000 as amended, the Assessment Sub-Committee decided that the complaint should be referred to the Monitoring Officer for investigation. They considered that if proven, the behaviour giving rise to the complaint may be capable of breaching the following paragraphs of the Code of Conduct:

(5) – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute

6(a) – You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
4. The Monitoring Officer delegated his investigatory powers to Mrs Marie Lindsay, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000. The Investigator's report found that there **had** been a breach of paragraph 5 of the Code of Conduct. The Investigator's report found **no breach** of paragraph 6(a) of the Code of Conduct.

5. On 6 December 2011 the Investigator's report went before the Standards Consideration Sub-Committee. The Sub-Committee considered both alleged breaches of paragraphs 5 and 6(a) of the Code of Conduct and decided:
 - In respect of paragraph 5 of the Code of Conduct the matter should be referred to a Standards Committee Hearing for determination, pursuant to paragraph 17 (1) (b) of the Standards Committee (England) Regulations 2008.
 - In respect of paragraph 6(a) of the Code of Conduct, to accept the Investigating Officer's finding of no breach.
6. The Standards Hearing Sub-Committee met on 21 February 2012 and found that a breach of paragraph 5 of the Code of Conduct had occurred but that no further action should be taken. The decision notice is attached at **Appendix A**.
7. The Chairman and members of the Sub-Committee may wish to comment on the hearing orally at the meeting.

Main considerations for the Committee

8. The Standards Committee has set a target time of 6 months from the Assessment Sub-Committee's referral of a complaint for investigation to the completion of the investigation and issuing of a final report. In this case, the complaint was referred for investigation on 13 May 2011 and the final report was issued on 8 November 2011, within the 6 month deadline.
9. The Standards Committee has set a target time of 3 months from the issuing of the final report to the conclusion of a Determination Sub-Committee hearing. The Investigator issued her report on 8 November 2011 and the Standards Hearing Sub-Committee met on 21 February 2012, slightly outside the 3 month deadline. The delay that occurred was due to the Christmas holiday period and the availability of members of the Hearing Sub-Committee during January 2012.

Proposals

12. The Standards Committee is asked to note the outcome of this matter.

Training and Communications Issues Arising

13. There are no general training or communications issues arising from the proposals made in this report that would require the formation of a task and finish group of the Standards Committee.

Risks

14. There are no risks associated with the proposals made in this report.

Ian Gibbons
Monitoring Officer

Report Author: Marie Lindsay – Ethical Governance Officer

The following unpublished documents have been relied on in the preparation of this report: None

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DECISION NOTICE

BREACH OF THE CODE OF CONDUCT – NO FURTHER ACTION

Wiltshire Council Reference No: WC 33/11

Date of Determination 21 February 2012

Subject Member

Councillor Alan Hill, Wiltshire Council

Complainant

Mr Robert Willis

Hearing Sub-Committee Membership

Mr G Robson OBE – Chairman (Independent Co-Opted Member)

Councillor Nigel Carter (Wiltshire Council Member)

Mr P Neale (Town / Parish Co-Opted Member)

Monitoring Officer / Legal Adviser

Mr F Cain

Investigating Officer

Mrs M Lindsay

Democratic Services Officer

Ms A Thurman

Complaint

On 20 April 2011 the Monitoring Officer of Wiltshire Council received a complaint from Mr Robert Willis regarding the alleged conduct of Alan Hill, a member of Wiltshire Council.

The allegation concerns Councillor Hill's alleged comments and manner towards the complainant, Mr Willis during a visit to the site of Mr Willis' planning application in September 2010.

The complaint is included within the Investigator's report (pages 25 to 29 of the Schedule of Evidence).

On 13 May 2011, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor Hill. In accordance with section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee decided that the complaint should be referred to

the Monitoring Officer for investigation. They considered that if proven, the behaviour giving rise to the complaint may be capable of breaching the following paragraphs of the Code:

(5) – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6(a) – You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

The Monitoring Officer delegated his investigatory powers to Mrs Marie Lindsay, Investigating Officer, pursuant to section 82A of the Local Government Act 2000. The Investigating Officer found that there had been a breach of paragraph 5 of the Code of Conduct.

The Investigating Officer's report, dated 08 November 2011, went before the Standards Consideration Sub-Committee on 06 December 2011, who resolved that no further action should be taken in respect of paragraph 6(a) of the Code and the matter should be referred to the Hearing Sub-Committee for determination in respect of the paragraph 5 of the Code.

A hearing was therefore conducted by the Hearing Sub-Committee of the Standards Committee of Wiltshire Council on 21 February 2011 in accordance with Regulations 18 and 19 of the Standards Committee (England) Regulations 2008 and the Council's Procedure for Determination of Complaints.

Summary of Evidence Considered and Representations Made

The Sub-Committee considered the following evidence and representations:

1. The written complaint;
2. Extracts from the Investigator's report dated 21 February 2012, compiled on 08 November 2012, which contained evidence from interviews conducted with the subject member, the complainant, as well as copies of relevant documents, including extracts from Northern Area Planning Committee.
3. Representations at each stage from the subject member, and the Investigating Officer.
4. Oral evidence from the Subject Member and the Complainant at Stage 3 of the proceedings.

FINDINGS OF FACT (Stage 1)

The Standards Hearing Sub-Committee made the following findings of fact:

1. Councillor Alan Hill was at the relevant time a member of Wiltshire Council.
2. Councillor Hill is the Vice-Chairman of Wiltshire Council's Northern Area Planning Committee. He is also a member of Calne Town Council's Town Development and Planning Committee.
3. Councillor Anthony Trotman is the Chairman of Wiltshire Council's Northern Area Planning Committee. He is also the step-father of Mr Willis, the complainant.
4. On 1st September 2010 a planning application was submitted to Wiltshire Council for the erection of a single detached dwelling at Hill Brook House, Quemerford, Calne, Wiltshire (ref 10/03360/FUL).
5. The applicant for the planning application was Mr Robert Willis. The agent was Mr Tim Weeding, architect.
6. An objection to the planning application was received from Mr and Mrs Kelly, neighbours to the site of the development.
7. Councillor Hill is the unitary member for Calne South and Cherhill, the ward in which Mr Willis' planning application is situated.
8. Towards the end of September 2010 Councillor Hill visited the site of Mr Willis' planning application at the request of Councillor Trotman.
9. Mr Weeding was also present at the site visit. He had been invited by Mr Willis in order to provide him with some support and explain the latest set of drawings.
10. Prior to his visit to the site, Councillor Hill had been in contact with Mr and Mrs Kelly. They had asked him for his advice and support.
11. On 29 September 2010, following the visit to his site by Councillor Hill, Mr Willis contacted Mr Brian Taylor to raise his concerns over the integrity of the planning process.
12. Mr Willis' email included a copy of a letter that he was proposing to send to Councillor Jane Scott, Leader of Wiltshire Council.
13. On 30th September 2010 Mr Taylor replied advising Mr Willis that he would consider the most appropriate action to take.

14. On 4th October 2010 Mr Willis reiterated his concerns to Mr Taylor by telephone and email.
15. Mr Willis had suggested a meeting between himself, Councillor Hill and Mr Taylor. This meeting did not occur.
16. On 5th October 2010 Mr Willis' planning application was considered by Calne Town Council's Planning and Development Committee. The minutes show that Councillor Hill declared an interest in this item, though the type of interest is not stated, and left the meeting during the consideration of this item. The Committee decided to make representations to Wiltshire Council.
17. On 5th October 2010 Councillor Hill called in Mr Willis' planning application.
18. Councillor Hill was advised by council officers not to become involved in the determination of the application.
19. On 3rd November 2010 Mr Willis' planning application was considered by Wiltshire Council's Northern Area Planning Committee.
20. Councillor Hill was not present at the meeting. The application, which was recommended for refusal by officers, was deferred to the next committee meeting.
21. On 16th November 2010 Mr Willis' planning application was again considered by Calne Town Council's Planning and Development Committee. Councillor Hill was not present at the meeting. The Committee decided to support Wiltshire Council's Planning Officer's recommendation of refusal.
22. On 24th November 2010 Mr Willis' planning application was again considered by Wiltshire Council's Northern Area Planning Committee.
23. Councillor Hill was not present at the meeting. The application, which was recommended for refusal by officers, was refused by the committee.
24. On 1st December 2010 Mr Willis submitted a further planning application (ref 10/04463/FUL). Mr and Mrs Kelly lodged an objection to the application.
25. On 4th January 2011 Mr Willis' further planning application was considered by Calne Town Council's Planning and Development Committee. The minutes show that Councillor Hill declared an interest in this item, though the type of interest is not stated, and left the meeting during the consideration of this item. The Committee raised concerns about the proposed build which it forwarded to Wiltshire Council.
26. On 26th January 2011 Mr Willis' latest planning application was considered by Wiltshire Council's Northern Area Planning Committee.

27. Councillor Hill was not present at the meeting. The application, which was recommended for approval by officers, was granted by the committee subject to conditions.

28. Councillor Hill attended the site of Mr Willis' planning application although the purpose of the visit is unclear.

29. Councillor Hill's visit to the site of Mr Willis' planning application lasted approximately 20 minutes.

30. Councillor Hill was not rude or arrogant during his visit to the site.

31. Councillor Hill did look at the plans whilst he was at the site.

32. The conversation between Mr Willis, Mr Weeding and Councillor Hill turned to the difficulties that Mr Willis was having with his neighbours, Mr and Mrs Kelly.

33. Councillor Hill advised Mr Willis that he would be recommending refusal of the application.

34. On 1st October 2010 Councillor Hill met with Mr Taylor. In his conversation with Mr Taylor, Councillor Hill denied that he had told Mr Willis that he would be recommending refusal of the application.

35. Councillor Hill did not tell Mr and Mrs Kelly that Mr Willis had taken an injunction out against him.

These findings of fact were then used as the basis for the Sub-Committee's consideration on the question of breach and sanction, at stages 2 and 3, as set out below. The Sub-Committee also had regard to relevant guidance from Standards for England.

DECISION ON A POSSIBLE BREACH OF THE CODE OF CONDUCT (Stage 2)

Paragraph 5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

The Sub-committee found that:

- 1) Upon his appointment to Wiltshire Council, Councillor Hill was subject to the Council's Code of Conduct.

- 2) On the basis of the above findings of fact, Cllr Hill's actions as set out in the agreed findings of fact, did amount to a breach of paragraph 5 of the Code of Conduct for members.

SANCTION (Stage 3)

After hearing representations from the parties, and from the subject member in person, the Sub-committee decided to take no further action for the reasons set out below:

Reasons for Decision

- The Sub-Committee wished to be clear that Councillor Hill had sought officer advice immediately after the site meeting with Mr Willis and had observed the correct procedures regarding personal and prejudicial interests within the planning process.
- The sub-committee also noted the letter of apology that had been written by Councillor Hill apologising for any distress caused to the complainant following the site visit in September 2010.
- The subject member had been through an investigation process, which is stressful for all who are involved.
- The Sub-committee had taken account of the arguments presented in mitigation.
- The Sub-committee recognised the need for the decision to be reasonable and proportionate to the circumstances.

Right of Appeal

A member subject to a standards committee finding may apply in writing to the President of the First-tier Tribunal (Local Government Standards in England) for permission to appeal against the finding.

The President must receive the member's written application within 21 days of the member receiving notice of the Standards Committee's decision.

This decision notice is sent to the complainant, the subject member and Standards for England.



Signed:

Chairman of the Wiltshire Council Determination Sub-Committee

Wiltshire Council

Standards Committee

2 May 2012

Outcome of Standards Consideration Sub Committee – case reference WC 34/11

Purpose of Report

1. To report the outcome of the Standards Consideration Sub Committee held on the 31st January 2012 to consider an allegation of breaches of the Code of Conduct for members.

Background

2. On 17th May 2011, the Monitoring Officer of Wiltshire Council received a complaint from Mr Jonathon Cuthbert-Murray regarding the alleged conduct of Councillor Stephen Andrews, a member of Westbury Town Council.
3. The complaint concerned allegations that at a meeting of Westbury Town Council, Councillor Stephen Andrews failed to treat a member of the public with respect; breached the Equality Act 2006; that his behaviour and statement amounted to bullying; that Councillor Andrews' statement was an attempt to improperly confer an advantage on himself or a disadvantage on another person; and that his behaviour and statement brought his office or authority into disrepute.
4. On 7th June 2011, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint. In accordance with section 57A(2) of the Local Government Act 2000 as amended, the Assessment Sub-Committee decided that the complaint and alleged breaches of paragraph 3(1) and 5 of the Code of Conduct should be referred to the Monitoring Officer for investigation.
5. The Monitoring Officer delegated his investigatory powers to Mr Roger Wiltshire, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000.
6. The investigators report found –
 - Councillor Andrews had not breached the Code of Conduct paragraph 3(1) *You must treat others with respect.*
 - Councillor Andrews had not breached paragraph 5 of the Code of Conduct *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*

7. The Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on 31 January 2012 and, having carefully considered the Investigating Officer's report and findings, in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008, decided to accept the Investigating Officers findings that no breach had occurred.

Main considerations for the Committee

8. This case failed to meet the target time as set by the Standards Committee for issuing the Final Report by 12 days.
9. Seven interviews were carried out during this investigation. All interviews were held at the home and business address of the interviewees.

Proposals

10. The Standards Committee is asked to note the outcome of this matter.

Report author;

Roger Wiltshire
Ethical Governance Officer

Wiltshire Council

Standards Committee

2 May 2012

**Outcome of Standards Consideration Sub Committee – case reference WC
36/11**

Purpose of Report

1. To report the outcome of the Standards Consideration Sub Committee held on the 31st January 2012 to consider an allegation of breaches of the Code of Conduct for members.

Background

2. On 20th May 2011, the Monitoring Officer of Wiltshire Council received a complaint from Councillor Mrs Derry O'Hara, a member of Westbury Town Council, regarding the alleged conduct of Councillor Stephen Andrews, also a member of Westbury Town Council.
3. The complaint concerned allegations that at a meeting of Westbury Town Council held on the 4th May 2011, Councillor Stephen Andrews failed to treat a member of the public with respect; failed to treat Councillor Michael Cuthbert-Murray with respect; and that Councillor Andrews behaviour and statement brought his office or authority into disrepute.
4. On 7th June 2011, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint. In accordance with section 57A(2) of the Local Government Act 2000 as amended, the Assessment Sub-Committee decided that the complaint and alleged breaches of paragraph 3(1) and 5 of the Code of Conduct should be referred to the Monitoring Officer for investigation.
5. The Monitoring Officer delegated his investigatory powers to Mr Roger Wiltshire, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000.
6. The investigators report found –
 - Councillor Andrews had not breached the Code of Conduct paragraph 3(1) *You must treat others with respect.*
 - Councillor Andrews had not breached paragraph 5 of the Code of Conduct *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*

7. The Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on 31 January 2012 and, having carefully considered the Investigating Officer's report and findings, in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008, decided to accept the Investigating Officers findings that no breach had occurred.

Main considerations for the Committee

8. This case failed to meet the target time as set by the Standards Committee for issuing the Final Report by 9 days.
9. Seven interviews were carried out during this investigation. All interviews were held at the home and business address of the interviewees.

Proposals

10. The Standards Committee is asked to note the outcome of this matter.

Report author;

Roger Wiltshire
Ethical Governance Officer

Wiltshire Council

Standards Committee

2 May 2012

**Outcome of Standards Consideration Sub Committee – case reference WC
37/11**

Purpose of Report

1. To report the outcome of the Standards Consideration Sub Committee held on the 31st January 2012 to consider an allegation of breaches of the Code of Conduct for members.

Background

2. On 20th May 2011, the Monitoring Officer of Wiltshire Council received a complaint from Councillor Michael Cuthbert- Murray, a member of Westbury Town Council, regarding the alleged conduct of Councillor Stephen Andrews, also a member of Westbury Town Council.
3. The complaint concerned allegations that at a meeting of Westbury Town Council, Councillor Stephen Andrews failed to treat a member of the public with respect; breached the Equality Act 2006; that his behaviour and statement amounted to bullying; that Councillor Andrews' statement was an attempt to improperly confer an advantage on himself or a disadvantage on another person; and that his behaviour and statement brought his office or authority into disrepute.
4. On 7th June 2011, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint. In accordance with section 57A(2) of the Local Government Act 2000 as amended, the Assessment Sub-Committee decided that the complaint and alleged breaches of paragraph 3(1) and 5 of the Code of Conduct should be referred to the Monitoring Officer for investigation.
5. The Monitoring Officer delegated his investigatory powers to Mr Roger Wiltshire, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000.
6. The investigators report found –
 - Councillor Andrews had not breached the Code of Conduct paragraph 3(1) *You must treat others with respect.*

- Councillor Andrews had not breached paragraph 5 of the Code of Conduct *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*
- 7. The Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on 31 January 2012 and, having carefully considered the Investigating Officer's report and findings, in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008, decided to accept the Investigating Officers findings that no breach had occurred.

Main considerations for the Committee

- 8. This case failed to meet the target time as set by the Standards Committee for issuing the Final Report by 9 days.
- 9. Seven interviews were carried out during this investigation. All interviews were held at the home and business address of the interviewees.

Proposals

- 10. The Standards Committee is asked to note the outcome of this matter.

Report author;

Roger Wiltshire
Ethical Governance Officer

Wiltshire Council

Standards Committee

2 May 2012

**Outcome of Standards Consideration Sub Committee – case reference WC
50/11**

Purpose of Report

1. To report the outcome of the Standards Consideration Sub Committee held on the 13 March 2012 to consider an allegation of breaches of the Code of Conduct for members.

Background

2. On 27th July 2011, the Monitoring Officer of Wiltshire Council received a complaint from Mr Jason Aspinall regarding the alleged conduct of Councillor Gary Mansell, a member of Bishops Cannings Parish Council.
3. The complaint concerned allegations that Councillor Gary Mansell breached the Code of Conduct in his contact, over the phone, and in a meeting with staff of Sarsen Housing Association held on the 1st July 2011, using foul and abusive language towards them; and that Councillor Mansell has used his office to intimidate, bully and harass Mr and Mrs Pocock, and Mr Horn, parishioners of Bishops Cannings, including reporting Mr Horn and his work practices to the Health and Safety Executive and reporting Mr Pocock to the Benefits Agency
4. On 10th August 2011, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint. In accordance with section 57A(2) of the Local Government Act 2000 as amended, the Assessment Sub-Committee decided that the complaint and alleged breaches of paragraph 3(1), 3(2), 3(2)(d) and 5 of the Code of Conduct should be referred to the Monitoring Officer for investigation.
5. The Monitoring Officer delegated his investigatory powers to Mr Roger Wiltshire, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000.
6. The investigators report found –
 - In the telephone calls and meeting between Councillor Mansell and staff of Sarsen Housing Association, Councillor Mansell was not conducting the business of his authority and did not give the impression that he was acting as

a representative of the authority; therefore the Code of Conduct does not apply.

- Councillor Mansell did not report either Mr Horn or Mr Pocock to the relevant authorities. Such a report would not breach the Code of Conduct.
- Councillor Mansell raised concerns regarding children working in the churchyard. Councillor Mansell had the right to raise the concerns and had not breached the Code of Conduct.

7. The Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on 13 March 2012 and, having carefully considered the Investigating Officer's report and findings, in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008, decided to accept the Investigating Officers findings that no breach had occurred.

Main considerations for the Committee

8. This case failed to meet the target time as set by the Standards Committee for issuing the Final Report.
9. Six interviews were carried out during this investigation. Four interviews were held at the home and business address of the interviewees; 2 interviews were conducted by phone.

Proposals

10. The Standards Committee is asked to note the outcome of this matter.

Report author;

Roger Wiltshire
Ethical Governance Officer

Wiltshire Council

Standards Committee

2 May 2012

**Outcome of Standards Consideration Sub Committee – case reference WC
51/11**

Purpose of Report

1. To report the outcome of the Standards Consideration Sub Committee held on the 13 March 2012 to consider an allegation of breaches of the Code of Conduct for members.

Background

2. On 27th July 2011, the Monitoring Officer of Wiltshire Council received a complaint from Mrs Rebecca Pocock regarding the alleged conduct of Councillor Gary Mansell, a member of Bishops Cannings Parish Council.
3. The complaint concerned allegations that Councillor Gary Mansell breached the Code of Conduct in his contact, over the phone and in a meeting with staff of Sarsen Housing Association held on the 1st July 2011, by acting in an aggressive and hostile manner; that Councillor Mansell has used his office to intimidate, bully and harass Mr and Mrs Pocock and their family; inciting hostility between the Pococks and their neighbours, Mr and Mrs Drew.
4. On 10th August 2011, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint. In accordance with section 57A(2) of the Local Government Act 2000 as amended, the Assessment Sub-Committee decided that the complaint and alleged breaches of paragraph 3(1), 3(2), 3(2)(d) and 5 of the Code of Conduct should be referred to the Monitoring Officer for investigation.
5. The Monitoring Officer delegated his investigatory powers to Mr Roger Wiltshire, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000.
6. The investigators report found –
 - In the telephone calls and meeting between Councillor Mansell and staff of Sarsen Housing Association, Councillor Mansell was not conducting the business of his authority and did not give the impression that he was acting as a representative of the authority; therefore the Code of Conduct does not apply.

- In an exchange of emails between Councillor Mansell and the then Chair of Bishops Cannings Parish Council, Councillor Mansell raised what he believed to be legitimate concerns regarding children working in the churchyard. Councillor Mansell had the right to raise the concerns and had not breached the Code of Conduct.
7. The Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on 13 March 2012 and, having carefully considered the Investigating Officer's report and findings, in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008, decided to accept the Investigating Officers findings that no breach had occurred.

Main considerations for the Committee

8. This case failed to meet the target time as set by the Standards Committee for issuing the Final Report.
9. Six interviews were carried out during this investigation. Four interviews were held at the home and business address of the interviewees; 2 interviews were conducted by phone.

Proposals

10. The Standards Committee is asked to note the outcome of this matter.

Report author;

Roger Wiltshire
Ethical Governance Officer

Wiltshire Council

Standards Committee

2 May 2012

**Outcome of Standards Consideration Sub Committee – case reference WC
52/11**

Purpose of Report

1. To report the outcome of the Standards Consideration Sub Committee held on the 13 March 2012 to consider an allegation of breaches of the Code of Conduct for members.

Background

2. On 27th July 2011, the Monitoring Officer of Wiltshire Council received a complaint from Mr Peter Horn regarding the alleged conduct of Councillor Gary Mansell, a member of Bishops Cannings Parish Council.
3. The complaint concerned allegations that Councillor Gary Mansell bullied and harassed Mr and Mrs Pocock and their family, and bullied and harassed the staff of Sarsen Housing Association. It was further alleged that Councillor Mansell interfered in Mr Horn's work practices, and incited hostility in the village.
4. On 10th August 2011, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint. In accordance with section 57A(2) of the Local Government Act 2000 as amended, the Assessment Sub-Committee decided that the complaint and alleged breaches of paragraph 3(1), 3(2), 3(2)(d) and 5 of the Code of Conduct should be referred to the Monitoring Officer for investigation.
5. The Monitoring Officer delegated his investigatory powers to Mr Roger Wiltshire, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000.
6. The investigators report found –
 - In the telephone calls and meeting between Councillor Mansell and staff of Sarsen Housing Association, Councillor Mansell was not conducting the business of his authority and did not give the impression that he was acting as a representative of the authority; therefore the Code of Conduct did not apply.
 - Councillor Mansell did not report Mr Horn to the Health and Safety Executive. Such a report would not be a breach of the Code of Conduct. There had not been a breach of the Code of conduct.

- In an exchange of emails between Councillor Mansell and the then Chair of Bishops Cannings Parish Council, Councillor Mansell raised what he believed to be legitimate concerns regarding children working in the churchyard. Councillor Mansell had the right to raise the concerns and had not breached the Code of Conduct.
7. The Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on 13 March 2012 and, having carefully considered the Investigating Officer's report and findings, in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008, decided to accept the Investigating Officers findings that no breach had occurred.

Main considerations for the Committee

8. This case failed to meet the target time as set by the Standards Committee for issuing the Final Report.
9. Six interviews were carried out during this investigation. Four interviews were held at the home and business address of the interviewees; 2 interviews were conducted by phone.

Proposals

10. The Standards Committee is asked to note the outcome of this matter.

Report author;

Roger Wiltshire
Ethical Governance Officer

Hearings

2012	Number of hearings	Date(s) & type(s) of hearing	Outcome	Appeal (Y/N)
January	5	19/01/12 – 2 x Review Sub-Committee 31/01/11 – 3 x Consideration Sub-Committee	2 x no further action 3 x no failure to comply	n/a
February	6	09/02/12 – 3 x Assessment Sub-Committee 21/02/12 – 1 x Determination Sub-Committee 23/02/12 – 2 x Assessment Sub-Committee	3 x no further action 1 x breach (no sanction) 1 x no further action & 1 x investigation	Yes
March	7	13/03/12 – 3 x Consideration Sub-Committee 27/03/12 – 4 x Consideration Sub-Committee	3 x no failure to comply 4 x referral to determination sub-committee	N/A
April	3	17/04/12 – 3 x Assessment Sub-Committee	1 x investigation & 2 x no further action	

Investigations – open

Case reference	Date of Assessment hearing	Progress	Estimated date of final report
WC 39/11	13/07/11	Consideration Sub-Committee 24 April 2012	N/A
WC 42/11	02/08/11	Awaiting comments on draft report	April 2012
WC 43/11	02/08/11	Awaiting comments on draft report	April 2012
WC 47/11	09/08/11	Determination Sub-Committee 23 May 2012	N/A
WC 48/11	09/08/11	Determination Sub-Committee 23 May 2012	N/A
WC 49/11	09/08/11	Determination Sub-Committee 23 May 2012	N/A
WC 53/11	09/08/11	Determination Sub-Committee 23 May 2012	N/A
WC 55/11	13/10/11	Report being drafted	May 2012
WC 56/11	13/10/11	Provisional Consideration Sub-Committee 3 May 2012	N/A
WC 58/11	07/11/11	Awaiting comments on draft report	April 2012
WC 03/12	23/02/12	Interviews underway	May 2012
WC 06/12	17/04/12	Investigating Officer to be appointed	

Complaints received 2009 – 2011

	Cases received	Cases open (cumulative)	Assessed by Committee – investigation	Assessed by Committee – no investigation	To be assessed by Committee/other	Cases closed	Appeals received
April 2009 to December 2009	44	23	18	10	16	21	1 (original decision overturned)
January 2010 to December 2010	33	18	4	27	2	38	9 (original decisions upheld)
January 2011 to December 2011	67	20	18	49	0	65	9 (original decisions upheld)

Hearings 2009 - 2010

		Type of Hearing	Outcome	
2009		Assessment sub-committees - 27	Investigations – 14 Other action – 2 No further action – 11	
2010		Assessment sub-committees – 29 Review sub-committees – 10 Consideration sub-committees - 11 Determination sub-committees - 6	Investigations – 4 Other action – 4 No further action – 21 Original decision upheld – 9 Original decision overturned – 1 Referral for determination – 7 Finding of no breach accepted – 4 No breach – 2 No breach & breach (training) - 1 Breach – 3 = 1(censure), 1(training) & 1(no further action)	

Hearings 2011

		Type of Hearing	Outcome
2011		<p>Assessment sub-committees – 71</p> <p>Review sub-committees – 9</p> <p>Consideration sub-committee – 7</p> <p>Determination sub-committee – 7</p>	<p>Investigations - 19</p> <p>Other action - nil</p> <p>No further action – 52</p> <p>Original decision upheld – 9</p> <p>Referral for determination - 6</p> <p>Finding of no breach accepted – 1</p> <p>No breach – 6</p> <p>No breach & breach (no sanctions) - 1</p>

Investigations – closed

Case reference	Date of Assessment hearing	Outcome
WC 06/09	13/05/09	Determination Sub-Committee 13 May 2010 – failure to comply (sanction – training)
WC 14/09	23/06/09	Consideration Sub-Committee 15 April 2010 – no failure to comply
WC 15/09	23/06/09	Consideration Sub-Committee 15 April 2010 – no failure to comply
WC 18/09	13/05/09	Determination Sub-Committee 6 October 2010 – no failure to comply
WC 19/09	13/05/09	Determination Sub-Committee 6 October 2010 - no failure to comply
WC 20/09	23/06/09	Determination Sub-Committee 17 March 2011 – no failure to comply
WC 24/09	07/07/09	Determination Sub-Committee 12 April 2010 – failure to comply (sanction- censure)
WC 30/09	07/07/09	Determination Sub-Committee 19 May 2011 – no failure to comply
WC 31/09	07/07/09	Determination Sub-Committee 19 May 2011 – no failure to comply
WC 32/09	07/07/09	Determination Sub-Committee 19 May 2011 – no failure to comply
WC 33/09	07/07/09	Determination Sub-Committee 14 October 2010 – 1 no failure to comply & 1 failure to comply (sanction – training)
WC 38/09	19/11/09	Determination Sub-Committee 5 July 2010 – failure to comply (no further action)
WC 42/09	03/02/10 (Review Sub-Ctte)	Consideration Sub-Committee 7 September 2010 – no failure to comply
WC 09/10	25/05/10	Consideration Sub-Committee 14 December 2010 – no failure to comply
WC 10/10	25/05/10	Determination Sub-Committee 30 March 2011 - 1 no failure to comply & 4 failures to comply (no sanction)
WC 12/10	19/08/10	Consideration Sub-Committee 24 February 2011 – no failure to comply
WC 43/09	02/12/09	Determination Sub-Committee 2 September 2011 - no failure to comply
WC 45/09	02/12/09	Determination Sub-Committee 2 September 2011 - no failure to comply
WC 38/11	07/06/11	Investigation discontinued 16/09/11 due to resignation of subject member
WC 34/11	07/06/11	Consideration Sub-Committee 31 January 2012 – no failure to comply
WC 36/11	07/06/11	Consideration Sub-Committee 31 January 2012 – no failure to comply
WC 37/11	07/06/11	Consideration Sub-Committee 31 January 2012 – no failure to comply
WC 33/11	13/05/11	Determination Sub-Committee 21 February 2012 – failure to comply (no sanction)
WC 50/11	09/08/11	Consideration Sub-Committee 13 March 2012 – no failure to comply
WC 52/11	09/08/11	Consideration Sub-Committee 13 March 2012 – no failure to comply
WC 53/11	09/08/11	Consideration Sub-Committee 13 March 2012 – no failure to comply
WC 67/11	20/12/11	Investigation discontinued 10/02/12 due to resignation of subject member

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COMMITTEE'S WORK PLAN

<u>Meeting Date and Time</u>	<u>Name of Report</u>	<u>Scope of Report</u>
4 July 2012 - Council Chamber Bradley Road, Trowbridge BA14 0RD	Status Report on Complaints made under the Code of Conduct	
	Reappointment of Sub-Committees	
	Minutes of Sub-Committees	
	Annual Governance Statement	

Future meeting dates:

5 September 2012
7 November 2012

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