

# WEST WILTSHIRE DISTRICT COUNCIL

## MINUTES

Minutes of the:           **STANDARDS COMMITTEE**

Held on:                   **WEDNESDAY 3 SEPTEMBER 2003**

Held at:                   **OCTAGON SUITE, BRADLEY ROAD, TROWBRIDGE**

Present:

District Council           Councillors Clark and Manasseh  
Representatives:

External                   Tony Frost (Chair), Margaret Ellwood and Keith West  
Representatives:

Town/Parish Council      Horace Prickett and William Parks  
Representatives:

Officers:                  Legal Services Manager

Also present:              Councillors Virginia Fortescue, Russell Hawker, Brian  
Mudge, Bill Viles, John Clegg, Marion Clegg and Mr Francis  
Morland

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### **24    APOLOGIES**

Apologies for absence were received from Councillors Baker and Farkas.

### **25    MINUTES**

The minutes of the meeting held on 11 June 2003 were approved as a correct record and signed by the Chair.

### **26    DECLARATIONS OF INTEREST**

Councillors Prickett and Manasseh declared a prejudicial interest in item 5 request for dispensation by Westbury Town Council due to their membership of Westbury Town Council. They withdrew from the room and took no part in the discussion of the item.

### **27    ANNOUNCEMENTS FROM THE CHAIR**

**Welcome to Members**

The Chair welcomed councillors Prickett and Parks as new members of the Committee. He also welcomed the non-members of the Committee to the meeting.

### **Training Event**

The Chair reminded all members that detailed training on the procedures for determining complaints against councillors had been arranged for 26 September at The Corn Exchange in Devizes. All members of the Committee had received details of the event in the post.

### **28 URGENT BUSINESS**

There was no urgent business.

### **29 REQUEST FOR DISPENSATION BY WESTBURY TOWN COUNCIL**

The Legal Services Manager presented the report and outlined the factors which had been taken into account in considering whether any Westbury Town councillor had a personal or prejudicial interest in the proposed debate about the A350 Westbury By Pass. It was noted that fewer than 50% of Westbury Town Council had a potential prejudicial interest and that the Committee therefore did not have the power to grant a dispensation.

**RESOLVED:**

- (i) That the Committee would not grant a dispensation because it did not have the power to do so.**
- (ii) That the Legal Services Manager should write to Westbury Town Council explaining that as a majority of councillors did not have a prejudicial interest they were free to take part in any debate about the By Pass and that the Committee could not therefore grant a dispensation to those who had a potential prejudicial interest.**

### **30 DETERMINING COMPLAINTS ABOUT MEMBERS**

The Legal Services Manager summarised the new draft procedures for determining complaints about councillors. A number of those councillors present felt concern that such meetings would be handled primarily in public. It was noted that this was as a result of guidance from the Standards Board for England. Concern was also expressed that a member accused of misconduct would have to pay for his or her own legal representation. The Legal Services Manager explained that the Government had consulted on whether the Standards Committee should have the power to award costs before finalising the legislation and had decided not to give the committee that power.

The Committee noted that the new procedures were needed in case complaints were referred to it by the Standards Board for England. It was therefore important to recommend the procedures for adoption.

- RESOLVED:**
- (i) That the draft working guidelines contained in Appendix 1 to the report be adopted,**
  - (ii) That the draft procedure rules contained in Appendix 2 and the draft consequential changes to the Constitution at Appendix 3 were recommended to Council for adoption;**
  - (iii) that the procedures should be kept under review in the light of experience; and**
  - (iv) that the procedures should include a description of the Committee's power to impose a penalty on the members to be found in breach of the Code of Conduct.**

### **31 FUTURE ROLE OF THE COMMITTEE**

The Chair introduced the report prepared by Gareth Owens, Legal Services Manager, at the request of the Chair and Vice Chair of the Committee. He explained that the Standards Board for England had made it clear when the regime was first established that standards committees should have as wide a role as possible in order to gain the confidence of the public and hopefully thereby encourage greater participation by them. The Chair explained the various suggestions within the report for potential future items of business which would reflect a more pro-active role for the Committee. The Committee agreed that all the suggested items of work should be undertaken.

The Committee considered a draft work programme. The Committee noted that, if it continued to meet 4 times a year, then it would take 2 years to consider all of the items proposed. The Committee therefore considered whether it should recommend to Council that it meet more frequently.

It was moved and seconded that the Committee should meet 6 times a year. On being put to the vote the motion was CARRIED.

- RESOLVED:**
- (i) That all of the items suggested in the report be included in the Committee's work programme; and**
  - (ii) that Council be recommended to increase the number of Standards Committee meetings from 4 per year to 6 per year.**

### **32 DATE OF NEXT MEETING**

The next meeting of the Committee will be held on 10 December 2003.

These minutes were prepared by Gareth Owens, Legal Services Manager  
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The meeting started at 7pm and finished at 8.30pm