

STANDARDS COMMITTEE HEARINGS PANEL

FRIDAY, 23 MARCH 2007

PRESENT:- Mr Trevor Davies (Chair), Mr Paul Morris, Mr Mike Compton, Councillor Melanie Duff and Councillor Fay Howard.

30. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

31. Public Question Time

No public questions were received during the meeting.

32. Hearing of Complaint in Respect of Parish Councillor – W J Smith

The Standards Committee Hearings Panel met to conduct a Hearing of Complaint in respect of an allegation that Mr W J Smith, a Wanborough Parish Councillor, had breached the Wanborough Parish Council's Code of Conduct by declaring an interest in his planning applications, but failing to withdraw from meetings during which his planning applications were discussed.

The complaint had been referred by the Standards Board for England for local investigation and determination to Swindon Borough Council's Monitoring Officer. The referral was dealt with in accordance with Statutory Guidance and the Council's own adopted Hearings Procedure.

In accordance with the adopted Hearings Procedure, the Monitoring Officer appointed Miss Karen Tricky of Foot Anstey Solicitors, as the Investigating Officer and she attended the meeting to present her report. Mr W J Smith was present at the meeting and elected to present his own case to the Committee.

The Investigator did not call any witnesses in support the findings of her report, as Mr Smith had indicated that he did not dispute the facts. Mr W J Smith called one witness, Mr Bill Suter, Chair of Wanborough Parish Council, to support his description of the proceedings of Wanborough Parish Council.

Resolved – (1) That, having considered the evidence presented by both parties to the case, this Committee determines that Mr W J Smith had breached Wanborough Parish Council's Code of Conduct by failing to withdraw from the room as required by paragraph 10, during the Parish Council's discussion and determination of applications in which he had personal and prejudicial interests at meetings on 4th September 2002, 26th January 2004 and 2nd February 2006.

2) That Mr W J Smith's apology is noted.

3) That, further to (1) and (2) above, the Hearings Panel imposes the following sanctions on Mr W J Smith in respect of his breach of paragraph 10 of Wanborough Parish Council's Code of Conduct:

- (i) That Mr W J Smith be censured in relation to the failure to leaving the room following the declaration of a prejudicial interest.
- (ii) That Mr W J Smith must receive appropriate training, to the satisfaction of the Monitoring Officer, within 3 months of the date of this hearing.
- (iii) That if Mr W J Smith has not received the appropriate training as set out above by 22nd June 2007, he will suspended as a Parish Councillor for a

period of 1 month from 23rd June 2007 to 22nd July 2007.

4) That, in addition to the formal sanction set out in 3) the Standards Committee Hearings Panel makes the following recommendations:

- i) That all Wanborough Parish Councillors should attend training on the Code of Conduct within the next 3 months.
- ii) That the Clerk to Wanborough Parish Council should undertake training on the Code of Conduct, and receive a briefing from the Monitoring Officer as to her roles and responsibilities, within the next 3 months.
- iii) That the Monitoring Officer should make available to Parish Council Chairs and Vice-Chairs any training sessions on chairing of meetings that are arranged for Borough Councillors.
- iv) That Wanborough Parish Council be requested to invite the Monitoring Officer and a Standards Committee Independent Member to attend a future meeting of the Parish Council to discuss any issues arising from this matter.
- v) That the Monitoring Officer circulate a summary of this matter, together with this decision, to all Parish Councils in the Borough of Swindon and ask the Clerks to confirm that they are satisfied that their Parish Council is operating in accordance with the Code of Conduct.