

Members in the Locality Task Group, 26 April 2012

New Standards Framework

1. The Monitoring Officer provided a verbal briefing on the implications of the Localism Act in terms of the Standards framework, which sets out appropriate conduct for local councillors. The Act requires that all local authorities have a Code of Conduct and that the Code must be applied consistently. Parish/town councils can choose to adopt their upper tier authority's Code or an amended version of it.
2. The definition of councillors' registerable interests was still to be decided and was awaiting ministerial approval.
3. The new Standards regime must be in place by 1st July 2012. Therefore, the meeting of Full Council on 26th June would be Wiltshire's last opportunity to agree this.
4. The Task Group considered:
 - draft arrangements for dealing with Code of Conduct complaints;
 - draft Terms of Reference for the new Standards Committee;
 - a draft Job Description and Person Specification for the 'independent persons' (each council is required to appoint 'independent persons' for providing independent advice to the subjects of complaints and monitoring officers); and
 - draft Code of Conduct produced by the LGA

Arrangements for dealing with Code of Conduct complaints

5. Members felt that councillors should be informed of the details of complaints when they are submitted. This was not a requirement previously and had caused councillors unnecessary distress.
6. It was noted that the new Standards Committee would include independent (unelected) members but only elect councillors would have voting rights or could be elected as Chairman.
7. It was confirmed that councillors who were the subject of complaints could use a person of their own choosing instead of the council-provided independent person.
8. Members agreed that the procedure should make clear that anonymous complaints would not be taken forward unless there was risk to life and limb, in which cases the Monitoring Officer would decide the appropriate course of action.
9. Members agreed that the details of complaints should not be made public until a final decision has been made.

10. Members agreed that complainants should be able to make a concluding statement at Hearings, as could subject members and the investigating officers.
11. Members agreed that all documents relied upon in any investigation should be available to all parties.
12. Members agreed that the process should allow 28 days to make a complaint (from the date of the behaviour in question), 28 days to conduct a investigation and a further 28 days within which to hold a Hearing. 12 weeks was considered a reasonable timeframe in which to deal with a complaint.
13. Members agreed that the Monitoring Officer should 'Dismiss the complaint' rather than 'Take no further action' (which could imply that an infraction of the Code had occurred).
14. Members agreed that a member complained about should be able to proceed straight to a Hearing rather than accept mediation or other action.

Code of Conduct

15. Members considered two template Codes of Conduct; one produced by the LGA and one by the DCLG. Members felt that the latter should be adopted by the Council.
16. The Monitoring Officer advised that the Code to be adopted would need to make provision for prohibiting behaviours such as bullying and harassment and his task was to incorporate these provisions in a style akin to the illustrative DCLG Code. The Chairman of the Standards Committee advised that the last behaviour required under the DCLG Code (copied below) was very broad and could therefore cause determining Standards Sub-Committees some difficulty:

“You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.”
17. Some members felt that the previous Code's prohibition of 'showing disrespect' and 'bringing one's authority into disrepute' amounted to catch-all terms that any complaint could be hung upon. A simpler Code was needed.
18. It was discussed whether the Code of Conduct would need to take account of more general duties upon local authorities such as those set out in the Equalities Act and other legislation. Members felt that this was unfeasible and unnecessary and that the DCLG was unlikely to produce a template Code that infringed Government legislation and that it would be reassuring for town/parish councils for Wiltshire Council to adopt the Code proposed by the Central Government department.

19. The Monitoring Officer reported that he would report the Task Group's recommendations to the Standards Committee and its Task & Finish Group. The composition of the new Standards Committee and documents relating to the 'independent persons' would need to go to Council on 15th May, but the definition of registerable interests and the Code of Conduct itself would wait until 26th June if further work was required.
20. Members of the Task Group voted unanimously to recommend that Council adopt the DCLG Code of Conduct. The Chairman also stated that if any other Code was proposed for adoption at Full Council it was likely an amendment would be moved to adopt the DCLG version.
21. It was noted that the Localism Act gives Standards Committees no particular powers to impose sanctions on councillors. The sanctions included in the draft complaints process therefore consisted of recommendations to Group Leaders to impose sanctions, the Monitoring Officer to arrange (voluntary training) or to town/parish councils where appropriate.
22. Members agreed that the sanctions within the Code should:
 - Include the option for 'Censure';
 - include a recommendation to remove councillors from any or all outside appointments; and
 - publication of the sanctions within the minutes of the council concerned, rather than through publication of the sanctions in some other manner.

Recommendations:

- 1. That the Council adopts the template Code of Conduct produced by the DCLG;**
- 2. That the Council adopts the proposed arrangements for dealing with Code of Conduct complaints and the proposed Terms of Reference for the new Standards Committee, subject to the changes described in the notes above.**