

Standards Committee

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 20 APRIL 2022 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Paul Oatway QPM (Chairman), Cllr Allison Bucknell (Vice-Chairman), Cllr Matthew Dean, Cllr Ruth Hopkinson, Cllr Sam Pearce-Kearney, Cllr Pip Ridout, Cllr Mike Sankey, Gordon Ball and Julie Phillips

Also Present:

Cllr Ashley O'Neill

27 Apologies for Absence

Apologies were received from:

- Cllr Andrew Davis
- Cllr Ian Wallis
- Cllr Bill Parks
- Kathy Barnes (non-voting)
- Joanne Cetti (non-voting)

28 Minutes

The minutes of the meeting held on 12 January 2022 were presented for consideration. Subject to the amendment to include the nonattendance apologies from Cllr Ruth Hopkinson, it was,

Resolved:

To approve and sign the minutes as a true and correct record.

29 Declarations of Interest

There were no declarations.

30 Chairman's Announcements

There were no announcements.

31 **Public Participation**

There were no statements or questions submitted.

32 **Status Report on Code of Conduct Complaints**

The Committee received the status report, updating on the number and outcome of Code of Conduct complaints received between 4 January to 30 March 2022 and a summary of the complaints considered by the Assessment Sub Committee since the last Standards Committee meeting held on 12 January 2022.

There had been 16 Code of Conduct Complaints received by the Monitoring Officer during that period. 2 of these were determined No Further Action by the Assessment Sub Committee and 14 were determined No Further Action by the Monitoring Officer.

It was noted that 12 of the 16 complaints related to Members of only two parish councils. A breakdown of the type of complaint was provided. 12 of the complaints were against parish councillors, 4 were against town or city councillors and none were against Wiltshire council councillors.

A summary of the complaints received, and a breakdown was also provided within the report.

A table of current cases had been provided to the Chairman on 31 January 2022 for a dip sample of cases to be undertaken to enable oversight.

The Committee discussed the rise and fall in the number of complaints received, for the period, prior to and after the elections held in May 2021, and the number of those which had been considered by the Assessment Sub Committee.

It was noted that for the period recorded, there had been several linked complaints which related to one incident or one parish council, which had an impact on the overall figures.

The Monitoring Officer explained that work was in progress to provide guidance and encourage improved processes at parish council level, with the aim of seeing a decrease in complaints received. A report on this work would be presented to the next Standards Committee meeting.

The Committee also discussed the role and interaction of the Independent Person (IP) in the complaints process and whether the provision of an IP to the Complainant, which was not a statutory requirement, could be included.

The suggestion of a revision to the way in which a resolution was recorded was discussed. The Monitoring Officer noted that the process had a statutory legal

framework, and therefore, a complaint was either investigated or not, but that future consideration would be given to the clarity of a resolution.

After a discussion, on the motion of the Chairman, seconded by Councillor Bucknell, it was,

Resolved:

To note the position on Code of Conduct Complaints.

33 **LGA Model Code of Conduct Working Group Update**

Councillors Ridout and Dean joined the meeting.

The Committee considered the report and recommendations of the LGA Model Code of Conduct Working Group, which had met twice in March 2022 to carry out a review.

The Chairman of the working group, Councillor Ruth Hopkinson, presented the findings.

The Working Group had considered and compared the current Wiltshire Council (WC) and LGA Model codes of conduct and accompanying guidance. The LGA Model code was developed as a template for local councils to adopt in whole and/or with local amendments and would be reviewed annually to ensure it remained fit-for-purpose, in terms of development in technology, social media and changes in legislation.

The Working Group recommended the adoption of an amended LGA Model Code, as set out at Appendix A to the report.

The Committee noted the differences that the proposed Model Code of Conduct (CoC) had compared to the original LGA Model Code, in that it was more succinct, with much of the explanatory detailed contained within the Code's accompanying guidance. It also retained sections of guidance and two requirements that were included in the current WC Code but not in the LGA Model Code, relating to not placing oneself under financial or other obligation to other parties, and decision-making.

The Committee discussed the proposed CoC and clarified that parish councils were not required to adopt the version adopted by WC, but were free to chose which model they adopted, which included creating their own.

There was support for the council to include parishes in the development of the new CoC, in hope that involvement in the process would encourage more to adopt the same version which was felt could aid more consistency in behaviour of members at all levels.

Clarity was given on which code the Monitoring Officer assessed complaints on if a member served on several councils. It was confirmed that complaints were assessed on the relevant councils adopted code.

The Co-opted members added that in their capacity as parish councillors, there was an appetite for guidance on the code of conduct and an offer of guidance and training would be welcomed.

A member raised concerns regarding some aspects of the proposed code, specifically relating to respect, impartiality and disrepute and how these would be interpreted. Other members noted guidance attached with the proposed code provided clarification on how the code should be interpreted.

A question was raised on whether former complaints had been reviewed to consider whether under the proposed code, the outcomes might have been different, but it was stated that such an exercise had not taken place.

The reason for and clarity on the types of possible recommendations which may be included as part of a resolution when the outcome is not to send for investigation were given.

Following discussion, the Chairman proposed that the Code of Conduct as set out in Appendix A required wider consultation before the Committee made its final consideration.

The motion of the Chairman, which was seconded by Cllr Matthew Dean, was;

Resolved:

That the Standards Committee supported the Code of Conduct provided at Appendix A and agreed it be presented to the Constitution Working Group and Group Leaders and for their comments to be fed back to the Standards Committee at its next meeting.

34 **Local Government Ethical Standards - Governments Response Update**

The Committee noted the Update on the progression of the Committee on Standards in Public Life's (COSIPL) review of Local Government Ethical Standards.

After a brief discussion, on the motion of Councillor Bucknell, seconded by Councillor Hopkinson, it was,

Resolved:

To note the Update on the Committee on Standards in Public Life's (COSIPL) review of Local Government Ethical Standards.

35 **Constitutional Changes**

The Committee considered the recommendations of the Constitution Focus Group in relation to Terms of Reference of the Audit and Governance Committee, set out in paragraph 2.8 of Part 3B of the Constitution.

After a brief discussion, on the motion of Councillor Dean, seconded by Councillor Hopkinson, it was,

Resolved,

The Standards Committee recommend Council approve the revisions to Part 3B of the Constitutions as set out in Appendix A.

36 **Urgent Items**

(Duration of meeting: 2.30 – 3.52pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail lisa.alexander@wiltshire.gov.uk

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