

## Standards Committee

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### MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 19 APRIL 2023 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Paul Oatway QPM (Chairman), Cllr Allison Bucknell (Vice-Chairman), Cllr Andrew Davis, Cllr Matthew Dean, Cllr Ruth Hopkinson, Cllr Bill Parks, Cllr Pip Ridout, Cllr Mike Sankey, Cllr Iain Wallis, Cllr Derek Walters and Gordon Ball

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#### 58 **Apologies for Absence**

Apologies were received from:

- Julie Phillips (non-voting)
- Joanne Cetti (non-voting)
- Kathy Barnes (non-voting)

#### 59 **Minutes**

The minutes of the meeting held on 5 October 2022 were presented for consideration.

It was;

#### **Resolved**

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

#### 60 **Declarations of Interest**

There were no declarations.

#### 61 **Chairman's Announcements**

##### Joint SLCC and LGRC survey on Local Government

The Society Of Local Council Clerks (SLCC) had collaborated with the Local Governance Research Centre (LGRC) at De Montfort University (DMU) [to conduct a survey of parish, town and community council clerks across England and Wales](#). This was the first comprehensive, national survey of the local council sector in more than thirty years.

The report, compiled by the research team at DMU in collaboration with colleagues from Staffordshire University and the Open University, highlights changes and challenges, making recommendations about the future of local councils, particularly around revisiting antiquated legislation, sector professionalisation, the importance of better collaboration with national government and further improvements on standards. It also made suggestions about improved democratic representation, better discourse with principal authorities, more focused engagement with young people and made a call for a strategic review of the sector and its role within local government.

An update would be provided to a future meeting should the input of the Committee be required at a further stage of the work.

#### Wiltshire Council Code of Conduct and Positive Conduct, Positive Democracy campaign

All town and parish councils had been informed that Wiltshire Council had adopted a new Code of Conduct for members, modelled on that produced by the Local Government Association. In doing so, town and parish councils had been reminded that all local authorities must have a Code of Conduct in place. These codes could be locally determined but must reflect the seven principles of ethics in public life.

A reminder of Wiltshire Council's Positive Conduct, Positive Democracy Charter was also recently circulated. The Charter was part of a wider campaign to promote and support positive local democracy in Wiltshire. All local councillors and clerks had been encouraged to sign up to the Charter, to show their commitment to being a positive conduct ambassador and to promoting high standards in public life. When councillors and clerks sign the Charter and email Wiltshire Council to confirm they had done so, they are sent a special email signature banner to use, demonstrating that they are a Charter signatory.

#### Re-Appointment to Assessment Sub Committee

The Standards Committee would re-appoint the membership of the Assessment Sub-Committee at the next meeting on 20 June. Members would be approached by email for expressions of interest ahead of the meeting.

## 62 **Public Participation**

### Statements:

Cllr John Hughes of Clyffe Pypard Parish Council read a statement to the Committee on matters relating to Clyffe Pypard Parish Council.

### Questions:

Cllr John Hughes of Clyffe Pypard Parish Council asked two questions to the Committee. Details of the questions and answers are attached to these minutes.

### 63 **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 since the last meeting on 27 September 2022 and providing a summary of the complaints considered by the Assessment Sub-Committee (ASC).

There had been 22 Code of Conduct complaints received by the Monitoring Officer during that period. Of these, 6 were determined No Further Action (NFA) by the Monitoring Officer, 7 were determined NFA by the ASC, 1 was resolved via Informal Resolution, 2 were referred for Investigation by the ASC, 1 was dismissed as 'out of time' by the Monitoring Officer, 2 were due to be assessed by the ASC at its next meeting and 3 were awaiting assessment by the Monitoring Officer.

A table of current cases had been provided to the Chairman on 6 December 2022, 11 January, 14 February and 4 March 2023 for a dip sample of cases to be undertaken to enable oversight.

The Committee discussed the level of complaints received and the time in which they had been processed, noting that each complaint needed to be measured on its own merits and to allow for flexibility when dealing with the more complex complaints.

The Committee agreed that it would be useful to monitor the statistics over a longer period of time to establish whether any changes were required to the process.

The Chairman of the Standards Assessment Sub-Committee noted that there was no correlation between the newly adopted Code of Conduct and the increase in number of complaints received, as the complaints process dealt with complaints against Councillors across Wiltshire at parish and town council level, not just Wiltshire Council members, and as such this meant that the code of conducts varied due to there being no requirement for town and parish councils to adopt the same code of conduct as Wiltshire Council.

After a discussion, it was,

**Resolved:**

**To note the position on Code of Conduct Complaints.**

### 64 **Dispensations Policy**

The Committee received a report on an updated version of the Dispensations Policy relating to Members Interests.

The Committee discussed an option where the Monitoring Officer would have the function to decide all dispensation requests rather than needing to schedule a meeting of a Dispensation Committee.

It was advised that a change to the council's Constitution would be required should that process be adopted and therefore it may be necessary to delegate the wording to the Officer.

Cllr Dean moved the motion that all dispensation requests be decided by the Monitoring Officer. This motion was not seconded.

The Chairman moved the motion in line with the Officer recommendation as set out in the report. This was seconded by Cllr Hopkinson.

**Resolved:**

**To approve the revised Dispensation Policy as set out in Appendix A.**

65 **Constitutional Changes**

Kieran Elliott, Democracy Manager (Democratic Service) presented a report on proposed changes to Parts 1, 2, 3 and 4 of the Constitution, following review by the Constitution Focus Group This included updates to committee terms of reference, debate procedural rules and decision making procedures.

The Officer outlined some further minor changes, which had been made since publication of the agenda in relation to Director sub-delegations and licensing committee responsibilities.

The Committee supported the changes with additional amendments as presented. At the conclusion of debate, it was;

**Resolved:**

**To recommend Full Council approve changes to the following sections of the Constitution:**

- **Part 1 – Summary and Contents**
- **Part 2 – Articles of the Constitution**
- **Part 3 – Responsibility for Functions and Schemes of Delegation**
- **Part 4 – Council Rules of Procedure**

66 **LGSCO decision on the Council's handling of a CoC complaint**

The Committee received an update on the decision of the Local Government and Social Care Ombudsman (LGSCO) not to investigate a complaint about the council's handling of a Code of Conduct complaint.

The Committee discussed the process for taking a complaint to the LGSCO. It was also clarified that the complaint in question had been to the Assessment Sub-Committee for consideration and that the Subject Member had taken the matter to the LGSCO because they had not agreed with the content of the Decision Notice.

It was;

**Resolved:**

**To note the LGSCO's decision not to investigate a complaint regarding the council's handling of a Code of Conduct complaint.**

67 **Urgent Items**

There were no urgent items.

**Questions**

(Duration of meeting: 2.30 - 4.07 pm)

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

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Questions:

Cllr John Hughes of Clyffe Pypard Parish Council asked two questions to the Committee:

1. Please could the Committee advise me as to how many code of conduct complaints have been raised by members of the Clyffe Pypard Parish community (councillors and members of the public) to Wiltshire Council by other members of the Clyffe Pypard Parish community (councillors and members of the public) in the past three years (May 2020 - May 2023), and how many of these have been upheld?
2. At a recent Wiltshire Council Standards Assessment Sub-Committee hearing there were, I believe, 15 separate individuals (including the subject member) present in the West Wiltshire Room and, I believe, at least another 2 individuals attending the meeting remotely. Please could the Committee provide me with an estimate (to the nearest £1000) of the total cost to the Wiltshire tax payer of dealing with all Clyffe Pypard Parish originating code of conduct complaints during the period May 2020 - May 2023, and separately an estimate (to the nearest £1000) of the total cost to the Wiltshire tax payer of dealing specifically with the Wiltshire Council Code of Conduct complaints nos. COC128187, COC142984, COC142986?

Response provided by email on 24 April 2023:

1. In the last 3 years, Wiltshire Council has received 11 Code of Conduct complaints about members of Clyffe Pypard Parish Council. All of these have either been dismissed by the Monitoring Officer under paragraph 4.6 of Protocol 11 – Arrangements for Handling Code of Conduct Complaints, or have been determined as requiring no further action by a Standards Sub-Committee.
2. Wiltshire Council does not hold this information. The cost of officer time is included in the Legal and Governance directorate's annual budget. The council does not record the hours spent on, or cost of, individual complaints and it would not represent an efficient use of resources to calculate this.

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