

## **Wiltshire Council**

### **Full Council**

**23 February 2021**

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## **Appointment of Co-opted Members of the Standards Committee**

### **Purpose of Report**

1. To delegate to the Standards Committee the appointment of non-voting co-opted members of the Standards Committee.

### **Background**

2. The terms of reference for the Standards Committee as detailed at **Appendix A** provide for the appointment of up to 8 non-voting co-opted members, 50% of whom must be serving town, parish or city councillors from within the Council's area who are not councillors or officers of the Council.
3. In 2013 and 2017 Council resolved that four non-voting co-opted members should be appointed for the remainder of the council term and delegated the appointment of those members to the Standards Committee.
4. Following a selection process overseen by the Standards Committee four non-voting co-opted members were appointed for the current council term, ending in May 2021 – Mr Richard Baxter; Miss Pam Turner; Mr Michael Lockhart and Mr Philip Gill MBE.
5. A number of other authorities in the South West appoint non-voting co-opted members to their Standards Committee, for example:
  - Cornwall Council - 18 Member committee (8 unitary councillors, 4 independent lay members, 5 town and parish councillors and 1 employed parish clerk);
  - Swindon Borough Council – 17 Member committee (13 councillors, 2 independent members, 2 parish representatives. 2 Independent Persons as observers not members)
  - Bath and North East Somerset – 11 Member committee (5 councillors, 3 independent members one of whom will chair, 3 parish representatives. 2 Independent Persons as observers not members)
  - Bournemouth Christchurch and Poole – 10 Member committee (7 councillors, 3 independent members)

### **Main Considerations**

6. Co-opted members provide valuable input to the work of the Standards Committee, enhancing objectivity, both real and perceived, and providing common sense and sound judgment and a parish council perspective on matters involving parish and town councillors.

7. As well as attending meetings of the Standards Committee non-voting co-opted members may serve on Assessment, Hearing and Dispensation Sub-Committees. Co-opted members may also attend the Constitution Focus Group.
8. Under the current arrangements for dealing with Code of Conduct complaints adopted with effect from January 2020, it is anticipated that there will be 10-12 Assessment Sub-Committees per year, or 40-48 per council term, each to be attended by up to 2 of the co-opted members.
9. As co-opted members must include at least 50% serving town, city or parish councillors, confirmation of appointments will take place after elections scheduled for 6 May 2021.
10. However, in order to avoid delay in the appointment of non-voting co-opted members the Standards Committee at its meeting on 4 February 2021 requested Council delegate arrangements for the appointment of co-opted members to the Standards Committee with the selection process delegated to the Monitoring Officer, in consultation with the Chairman of the Standards Committee. This would include convening a selection panel to interview applicants.
11. The Monitoring Officer would therefore be able to begin advertisement for the positions in advance of the elections in May 2021 with councillors, clerks and the public so that non-councillor candidates can be shortlisted and to enable candidates for election to be aware of the positions becoming available. Where the election is uncontested, it would also enable those who would become councillors to indicate if they wished to apply for the co-opted member positions.
12. The advertisement would then be recirculated after the elections to determine which further serving councillors wished to apply for the positions.
13. Interviews and appointment could then take place around June/July 2021, ensuring Members are in place as soon as is practicable, including for the Assessment Sub-Committee.

### **Safeguarding Implications**

14. There are no safeguarding issues arising from this report.

### **Equalities Implications**

15. There are no equalities impacts arising from this report.

### **Risk Assessment**

16. There are no significant risks arising from this report

### **Public Health Implications**

17. There are no public health impacts arising from this report.

## **Environmental Implications**

18. There are no environmental impacts arising from this report.

## **Workforce Implications**

19. There are no workforce implications arising from this report.

## **Financial Implications**

20. The allowance for a non-voting co-opted member on the Standards Committee is currently £1,262 per year, as approved by Council on 10 July 2012. Therefore, the total annual cost for the four co-opted members has been £5,048.

21. This allowance is subject to review by the Council after considering any recommendations of the Independent Review Panel.

## **Legal Implications**

22. The Council has a discretion under the Localism Act 2011 to establish a standards committee to discharge its duty to promote and maintain high standards of conduct of elected and co-opted members and a further discretion to include non-voting co-opted members on any committee so established.

## **Recommendation**

23. Full Council is requested to delegate the appointment of 4 non-voting co-opted members to the Standards Committee and the arrangements for selection of such members to the Monitoring Officer in consultation with the Chairman of the Standards Committee.

## **Ian Gibbons**

### **Director, Legal and Governance (and Monitoring Officer)**

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## **Appendices**

Appendix A - Terms of reference of Standards Committee

## **Background Papers**

None

**Appendix 1**  
**2.5 Standards Committee**  
Composition

- 2.5.1 This Committee will comprise up to 13 elected Members, other than the Leader or any other Member of the Cabinet, and up to 8 co-opted non-voting Members, 50% of whom shall be serving town, parish or city Members from within the Council's area who are not Members or officers of the Council.
- 2.5.2 Appointments to the Committee will be made annually by the Council having regard to the rules on political proportionality.
- 2.5.3 The term of office for co-opted non-voting Members will normally be 4 years.
- 2.5.4 Co-opted non-voting Members will be eligible for re-appointment for a second term.
- 2.5.5 Substitutes will be permitted in accordance with Part 4 of the Constitution.

Roles and Function

- 2.5.6 The Standards Committee is responsible for:
- promoting and maintaining high standards of conduct by elected and co-opted Members and officers;
  - assisting the elected and co-opted Members to observe the Members' code of conduct;
  - advising the Council on the adoption or revision of the Members' code of conduct and the arrangements for dealing with Member complaints of misconduct which the Council is required to make under Section 28 of the Localism Act 2011;
  - monitoring and advising the Council about the operation of its code of conduct in the light of best practice and any changes in the law;
  - advising, and, through the Member Development Group, arranging to train elected and co-opted Members on matters relating to the Members' code of conduct and ensuring that Members are aware of the standards expected of them under the code;
  - granting dispensations to elected and co-opted Members from requirements relating to interests;
  - overseeing the operation of the Council's arrangements for dealing with misconduct complaints against Members and co-opted Members of Wiltshire Council, and parish, town and city Members in Wiltshire;
  - overview of the whistle blowing policy;
  - overview of corporate complaints handling and Ombudsman investigations;
  - reviewing the implementation of recommendations made by the Ombudsman;
  - oversight of the Constitution.

### Standards Sub-Committees

2.5.7 The Standards Committee has the power to appoint such sub-committees as may from time to time be necessary for the efficient discharge of its functions. In particular, the Committee will appoint:

- An Assessment Sub-Committee to determine what action to take in respect of Member complaints under the Council's arrangements;
- A Hearing Sub-Committee to determine Member misconduct complaints under the Council's arrangements;
- A Dispensation Sub-Committee to determine requests for dispensation from the requirements relating to interests.

2.5.8 For the avoidance of doubt decisions of the Sub-Committees will be made by a simple majority of the elected Members present.

### Assessment Sub-Committee

2.5.9 As it shall consider multiple complaints this Sub-Committee shall comprise 5 elected Members from among the Standards Committee and its substitutes, in case of conflicts arising. The Standards Committee will appoint the members annually, along with a Chairman and Vice-Chairman for the Sub-Committee. The Sub-Committee may include up to 2 non-voting co-opted Members of the Standards Committee on an ad-hoc basis. All other members and substitutes of the Standards Committee will serve as substitutes for the Sub-Committee.

2.5.10 The above Sub-Committee is not subject to the requirements of political balance but is subject to a requirement of a maximum of 4 elected Members from any political group. The co-opted members serving on the Sub-Committee will be determined by the proper officer, who in this instance would be a Democratic Services Officer on behalf of the Monitoring Officer.

2.5.11 The above Sub-Committee shall meet on a monthly basis and make decisions on all Code of Conduct complaints in accordance with the Council's arrangements under [Protocol 11](#).

2.5.12 Members, including co-opted members, may not serve on the Hearing Sub-Committee for a complaint they have previously considered on the Assessment Sub-Committee

### Hearing Sub-Committee and Dispensation Sub-Committee

2.5.13 In each case the above Sub-Committees shall comprise 3 elected Members from whom a chairman will be elected. The Sub-Committee may include 2 non-voting co-opted Members of the Standards Committee.

- 2.5.14 The above Sub-Committees are not subject to the requirements of political balance but are subject to the requirement of a maximum of 2 elected Members from any political group. The composition of any sub-committee will be determined by the proper officer, who in this instance would be a Democratic Services Officer on behalf of the Monitoring Officer on the basis of Member availability, drawing from the Membership of the Committee and their substitutes.
- 2.5.15 The Hearing Sub-Committee shall make decisions where an investigation into a Code of Conduct Complaint makes a finding of a breach, in accordance with the Council's arrangements under Protocol 11.