

STANDARDS COMMITTEE

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 18 APRIL 2018 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Paul Oatway QPM (Chairman), Cllr Allison Bucknell, Cllr Peter Fuller, Cllr Ruth Hopkinson, Mr Michael Lockhart, Cllr Fred Westmoreland and Cllr Peter Hutton (Substitute)

11 Apologies for Absence

Apologies were received from Councillors Howard Greenman, Derek Brown OBE, Anna Cuthbert, Peter Evans, Russell Hawker and Bob Jones MBE.

Councillor Brown was substituted by Councillor Peter Hutton.

12 Minutes

The minutes of the previous meeting were presented, along with the minutes of Review Sub-Committees where the complaints in question had been resolved since the last meeting.

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 17 January 2018.

To receive the minutes of the Review Sub-Committee minutes from the meetings held on 27 July 2017, 30 January, 15 February and 23 March 2018.

13 Declarations of Interest

In the interests of openness and transparency, the Chairman drew attention to the Review Sub-Committee minutes from 23 March 2018. He explained a complaint had been submitted against him, investigated, with a decision to dismiss the complaint, which was upheld by the Sub-Committee.

14 Chairman's Announcements

Through the Chairman it was announced that it had not been possible due to resource issues to provide a report on town and parish council codes of conduct

and compliance with registering interests. A letter had now been circulated to towns and parishes seeking the relevant information, and members would be updated at the next meeting.

15 **Public Participation**

There were no statements or questions submitted.

16 **Appointment of Co-Opted Members**

Following an advertising period, the Chairman and two other members of the Committee had held interviews for the four positions for non-voting co-opted member of the Standards Committee. Following recommendation to appoint four of those interviewed, and on the moving of Councillor Paul Oatway QPM, seconded by Councillor Ruth Hopkinson, it was,

Resolved:

To confirm the appointment of:

**Mr Richard Baxter
Mr Philip Gill MBE
Mr Michael Lockhart
Miss Pam Turner**

As non-voting co-opted members of the Standards Committee.

Mr Lockhart was in attendance and invited to join the Committee's deliberations.

17 **Status Report on Complaints**

It was also stated that following a recent review it had been noted that the current assessment criteria for complaints had as a test that if a member was no longer a member of a council, the complaint should not be investigated. However, a recent Tribunal case had suggested that in some instances it might still be in the public interest to proceed with an investigation.

It was requested that a revised assessment criteria be considered at the next meeting.

At the conclusion of discussion, it was,

Resolved:

To note the complaints, and receive an update on the assessment criteria at the next meeting of the Committee.

18 **Constitution Focus Group: Updates and Recommendations**

A report from the Monitoring Officer was presented detailing proposed changes to the constitution, following consideration and then recommendation from the Constitution Focus Group.

Changes were proposed in relation to Part 3D(3) of the Constitution, the Scheme of Delegation Specific to Planning. New regulations would come into effect from 1 June 2018 to allow applicants to submit applications for 'Permission in Principle' (PIP) for minor housing led developments of up to 9 houses. This process had a shorter timescale for determination, and existing procedures relating to call-in of items to committee were not appropriate.

The Focus Group had considered that call-in of planning applications was one of the more vital councillor powers, and did not consider that removing PIP from the call-in procedure was appropriate. Therefore, they had recommended wording to shorten the timescale for call-in of PIP, as well as expedited notification procedures. Wording was proposed to that effect, as detailed in the agenda papers.

The Committee discussed the proposed changes, amending the use of 'House' for 'Dwelling', as well as seeking details on how the new procedure would work in practice. It was also commented that the change in legislation had not been brought to the recent Planning Committee Task Group, and it was requested any future such changes be considered by such a task group in future, if it was still in place.

Other proposed changes related to the Audit Committee. The Audit Committee had set up a task and finish group to identify best practice in relation to Audit responsibilities, and to recommend changes where appropriate to the constitutions, as well as such corrections as necessary to ensure consistent referencing of audit responsibilities.

A report was taken to the Focus Group, identifying amendments to Part 2 (The Constitution), Part 3 (Responsibility for Functions), Part 9 (Finance Regulations) and Protocol 11 (Governance Reporting Arrangements). The changes clarified the distinct roles of Audit and Overview and Scrutiny, as well as making the various sections consistent and emphasising the key aspects of the audit function.

The Committee discussed the proposals, and supported the amendments, though it was requested in their presentation to Council the context of all sections be made clearer.

It was also noted by the Committee that various changes had been made under the delegated authority of the Monitoring Officer, which had been reported to the Focus Group. In particular it was noted that further changes would be necessary regarding clarity over the definition of the Proper Officer in relation to the Head of the Paid Service.

At the conclusion of discussion, and on the moving of Councillor Allison Bucknell, seconded by Councillor Ruth Hopkinson, it was,

Resolved:

To recommend that Full Council approve the proposed changes to Part 2, Part 3, Part 3D(3), Part 9 and Protocol 11 of the Constitution as detailed in the report, subject to amending reference from 'House' to 'Dwelling' in Part 3D(3).

19 **Local Government Ethical Standards: Stakeholder Consultation**

A report from the Monitoring Officer was presented informing the Committee of a review of local government ethical standards being undertaken by the Committee on Standards in Public Life.

Details of the consultation were provided, including all the questions, which related to existing structures and procedures for ensuring high standards of conduct, any gaps in the current regime, whether existing sanctions were sufficient, arrangements regarding whistleblowing and other questions as detailed in the report.

As the consultation would close on 18 May 2018, it was requested the Committee discuss the questions and provide direction for the Monitoring Officer, in consultation with the Chairman, to prepare a response on behalf of the Council.

The Committee therefore considered the consultation, where points including but not limited to the following were raised.

With over 250 parishes in the Wiltshire Council area, and no ability to enforce compliance with obligations, it was difficult as a principal authority to ensure towns and parishes in particular were adopting codes and registering interests appropriately. A single national code would simplify the process and make compliance with and understanding of that code easier. An alternate approach would be an opt-out system whereby parishes under a principal authority were automatically subject to the Code of the principal authority, unless they specifically determined otherwise. This would allow flexibility where desired, without over burdening smaller parishes, and remove confusion where more than one code applied to a member on more than one council.

It was also raised that a gap in the regime was that Code of Conduct complaints were often the only avenue for people to register concern with a parish council, when the main problem was the conduct of that council as a whole, and its operation, rather than an individual's personal conduct.

Options for online or in person training to improve compliance was discussed, with currently no ability to demand certain training be undertaken in order to undertake specific responsibilities

It was also felt that the current level of sanctions was insufficient for ensuring high standards of conduct, as the Committee had concluded in previous reviews of its own Code.

It was felt that clarity could be provided on whether it was necessary to withdraw following a declaration of pecuniary interest, as currently this was left up to individual councils to decide. Additionally, government guidance stated a councillor with a pecuniary interest could not speak as a member of the public, but Wiltshire had taken the view that this was not the case, in particular as it would disadvantage a councillor versus a regular member of the public, and clarity should be provided on this. The Committee also felt it should be mandatory to declare any relevant interests at a meeting, irrespective of whether the interest was on a register of interest.

A report was requested on the council's whistleblowing policy for the next meeting.

In respect of a question on intimidation of local councillors, the Committee noted the opportunity for more intimidation on social media in particular, but that they did not have any specific data to respond to that section of the consultation. They did, however, consider that some measure of support should be provided to town, parish and Wiltshire councillors who were subjected to intimidation.

At the conclusion of discussion, and on the moving of Councillor Allison Bucknell and Councillor Fred Westmoreland, it was,

Resolved:

To ask the Monitoring Officer after consultation with the Chairman of the Committee, to prepare a response to the consultation reflecting the Committee's views on behalf of the Council.

20 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.35 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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