

Standards Committee

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 14 NOVEMBER 2019 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Andrew Bryant, Cllr Ernie Clark, Cllr Peter Evans, Cllr Peter Fuller, Cllr Howard Greenman (Vice-Chairman), Cllr Bob Jones MBE, Cllr Paul Oatway QPM (Chairman), Cllr Fred Westmoreland and Cllr Stuart Wheeler

Also Present:

Cllr Gordon King

31 **Apologies for Absence**

Apologies were received from Councillors Derek Brown OBE and Ruth Hopkinson.

32 **Minutes**

The minutes of the meeting held on 26 June 2019 were presented for consideration and it was,

Resolved:

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

33 **Declarations of Interest**

There were no declarations.

34 **Chairman's Announcements**

There were no announcements.

35 **Public Participation**

There were no statements or questions submitted.

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

A report from the Monitoring Officer (via the Deputy Monitoring Officer) was presented on the current status of Code of Conduct complaints. It was noted

that the number of complaints was reduced from the previous year and the overall average number of complaints per annum. It was also noted that a further four complaints had been submitted since publication of the agenda.

Resolved:

To note the update on Code of Conduct complaints.

37 **Recommendations from the Constitution Focus Group: Protocol 4 (Planning Code of Good Practice)**

A report from the Monitoring Officer (via the Deputy Monitoring Officer) on recommendations from the Constitution Focus Group was presented. It was detailed that following Full Council on 9 July 2019 referring the previously recommended changes to Protocol 4 back to the Standards Committee, all Members of the Council had been contacted for comments and those comments considered by the Focus Group. At its meeting on 2 September 2019 the Focus Group had made further changes in response to those comments to address concerns regarding wording relating to Member requests for call-in of planning applications.

As detailed in the report it was explained that the wording did not place additional obligations on Members when making a call-in request, nor provide additional authority to officers, but was a reflection of the legal and administrative position in relation to an executive action of which items would be considered by Committee. This was stated as necessary in part because if a call-in were made without acceptable planning reasons, this could form the basis of a legal challenge should it be approved or rejected against officer recommendation, and that therefore an audit trail was required explaining any such decision. Additionally, it was confirmed officers were unaware of any call-in requests submitted within required timeframes which had been rejected other than for reasons of timing.

The Committee were also made aware as detailed in the agenda supplement of a representation received requesting inclusion of a clause prohibiting members from acting as planning agents for an application, even if they were not involved in decision-making. It was considered that such a prohibition was not required in law and would be an inappropriate and disproportionate restriction of Members' rights, and that existing rules on declaration of interests were appropriate.

The Committee discussed the updated Protocol from the Focus Group and agreed that the changes addressed the significant concern raised by Full Council. Therefore, it was,

Resolved:

That Protocol 4 be amended by Full Council as detailed at Appendix B of the report.

Councillor Stuart Wheeler arrived at 1212.

38 **Recommendations from the Constitution Focus Group: Part 4A (Petitions Scheme)**

A report from the Monitoring Officer (via the Deputy Monitoring Officer) on recommendations from the Constitution Focus Group was presented. It was detailed that the Constitution Focus Group were proposing amendment to the Petitions Scheme in order to provide greater clarity and openness. Changes included the length of a debate on a petition at Full Council was proposed to be doubled, with clarification that Cabinet Member and Group Leader responses would not contribute to that time limit of 30 minutes, as well as additional clarification on how those debates were to be structured and when a petition should be submitted.

The Committee was informed that recommendations that the threshold for signatures for a debate at Full Council be 5000, and that Member contributions be limited to 3 minutes each, had been majority not unanimous recommendations by the Focus Group. During debate the Committee noted the substantial increase in time for a debate overall, and the benefit of maximising the number of contributions within that increased time limit, and so resolved to accept the recommendation, as well as the principle of a set threshold limit of 5000. There was also clarification sought on thresholds for debate at area boards, with Chairmen to have discretion for petitions over 10 signatures, but only required to debate a valid petition if over 50 signatures.

At the conclusion of discussion, it was,

Resolved:

That Part 4A be amended by Full Council as detailed at Appendix C.

39 **New Standards Procedures and Appointment of Standards Assessment Sub-Committee**

A report from the Monitoring Officer on implementation of new procedures and appointment of the Standards Assessment Sub-Committee was presented. It was noted the new Sub-Committee would come into being on 1 January 2020, and updates were being prepared for the website, appeal forms and internal processes. An example officer report for the Sub-Committee was provided, and the updated procedure notes, which it was stated would include further amendment to emphasise the need to consult with the Independent person. In response to queries it was also confirmed the new procedure would include more robust screening of complaints against the criteria.

The membership of the sub-committee was agreed, but it was felt appropriate that the Sub-Committee appoint its own Chairman and Vice-Chairman at its first meeting. At the end of discussion, it was,

Resolved:

- 1) To note the preparations for the new Standards procedures coming into effect on 1 January 2020.**

- 2) To appoint the following membership of the Standards Assessment Sub-Committee, also to come into effect on 1 January 2020:

Cllr Richard Britton
Cllr Ernie Clark
Cllr Ruth Hopkinson
Cllr Fred Westmoreland
Cllr Stuart Wheeler

- 3) To delegate the appointment of a Chairman and Vice-Chairman of the Standards Assessment Sub-Committee to the Standards Assessment Sub-Committee.

40 **Date of Next Meeting**

The date of the next meeting was confirmed as 29 January 2020.

41 **Urgent Items**

There were no urgent items.

(Duration of meeting: 12.00 - 12.45 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

Press enquiries to Communications, direct line (01225) 713114/713115