

AGENDA

Meeting: Standards Committee

Place: [Access the online meeting here](#)

Date: Tuesday 7 July 2020

Time: 2.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

[Public Guidance on Accessing Meeting](#)

Membership:

Cllr Derek Brown OBE	Cllr Paul Oatway QPM (Chairman)
Cllr Andrew Bryant	Cllr Fred Westmoreland
Cllr Ernie Clark	Cllr Stuart Wheeler
Cllr Peter Evans	Mr Richard Baxter
Cllr Peter Fuller	Mr Philip Gill MBE
Cllr Howard Greenman (Vice-Chairman)	Mr Michael Lockhart
Cllr Ruth Hopkinson	Miss Pam Turner
Cllr Bob Jones MBE	

Substitutes:

Cllr Richard Britton	Cllr Peter Hutton
Cllr Trevor Carbin	Cllr George Jeans
Cllr Sue Evans	Cllr Gordon King
Cllr Nick Fogg MBE	Cllr Brian Mathew
Cllr Jon Hubbard	Cllr Graham Wright
Cllr Chris Hurst	

Part 1

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes** (*Pages 5 - 8*)

To confirm the minutes of the meeting held on 14 November 2019.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

[Access the online meeting here](#)

[Public Guidance on Accessing Meeting](#)

In accordance with Protocol 13 of the Constitution:

Statements

If you would like to provide a statement for this meeting on any item on this agenda, please submit it in writing to the officer listed above no later than 5pm on 2 July 2020.

Questions

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 30 June 2020 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 2 July 2020. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Status Report on Code of Conduct Complaints and Covid-19 Update**
(*Pages 9 - 14*)

To receive an update on the current status of Code of Conduct complaints, and to receive an update on administration of Code of Conduct complaints during the Covid-19 pandemic.

7 **Constitutional Changes** (Pages 15 - 68)

To receive recommendations from the Constitution Focus Group, and receive an update on urgent constitutional changes adopted during the Covid-19 pandemic.

Report 1 – Pension Fund Committee and Local Pension Board
Report 2 – Policy Framework

8 **Local Government Association: Model Code of Conduct Consultation**
(Pages 69 - 98)

9 **Standards Assessment Sub-Committee**

To approve the annual appointment of the Standards Assessment Sub-Committee and re-confirm the members as follows:

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

To note and endorse the election by the Sub-Committee of Cllr Ruth Hopkinson as Chairman and Cllr Ernie Clark as Vice-Chairman.

In accordance with the Constitution, all other members and substitutes of the Standards Committee remain substitutes to the Assessment Sub-Committee.

10 **Urgent Items**

To consider any other items that, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item(s) during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

This page is intentionally left blank

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

Wiltshire Council

Standards Committee

7 July 2020

Code of Conduct Complaints - Status Report

Statutory Background

1. All local authorities are required, by s.28 Localism Act 2011, to adopt a code of conduct for their members. All such codes are required to cover the following:
 - The principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership
 - The registration and disclosure of pecuniary and other interests
2. Wiltshire Council, as a principal authority, is required to have in place arrangements for investigating and determining allegations that a member of the Council, or a member of a parish council within the council area, has failed to comply with the relevant Code of Conduct.

Council Structure and Procedures

3. Wiltshire Council's arrangements for considering complaints about alleged code of conduct breaches are now set out in Protocol 11 to the Constitution, the procedure having changed with effect from 1 January 2020.
4. On receipt of such a complaint the Monitoring Officer will review the complaint and prepare a report for the Assessment Sub-Committee. The Monitoring Officer may at this point decide not to take any further action on a complaint where, on the available information, it appears to be trivial, vexatious, malicious, politically motivated or 'tit for tat', and it would not be in the public interest, including particularly the efficient use of resources, to proceed.
5. All valid code of conduct complaints received after 1 January 2020 are now determined by the Assessment Sub-Committee, following receipt of the report from the Monitoring Officer. The assessment sub-committee may conclude that no further action should be taken, it may refer the complaint for investigation or it may recommend that an alternative resolution be explored with the parties.
6. If the sub-committee determine that a formal investigation should be undertaken, an investigating officer is appointed by the Monitoring Officer. If the recommendation of the investigating officer is that there has been a breach of the Code of Conduct, and that alternative resolution is not appropriate, then the Monitoring Officer, after consultation with the Independent Person, will refer the matter to a Standards Hearing Sub-Committee. This committee will conduct a hearing into the complaint to determine whether there has been a breach of the Code and, if so, what sanctions, if any, should be applied to the Subject Member (the councillor who is the subject of the complaint). If the Subject Member is a member of a town or parish council, the Hearing Sub-Committee's decision regarding sanctions will be in the form of a recommendation to the relevant council.

7. It should be noted that complaints received prior to January 1 2020, have been dealt with under what was then Protocol 12. Under this procedure all such complaints are subject to an initial assessment on behalf of the Monitoring Officer, having sought comments from the Subject Member. This initial assessment may conclude that no further action should be taken, it may refer the complaint for investigation or it may recommend that an alternative resolution be explored with the parties. Under this procedure both parties (the Complainant and the Subject Member) have a right to a review of the initial assessment. This is considered by the Review Sub-Committee of the Standards Committee.
8. The right to a review of the initial assessment no longer exists under the new procedures, the assessment having already been carried out by the Assessment sub-committee.
9. The full Standards Committee has oversight of the operation of the procedures for dealing with Code of Conduct complaints as well as a general responsibility to promote and maintain high standards of conduct by elected and co-opted members and officers.

Effect of Covid-19 Pandemic

10. In line with other committees of the council, during the coronavirus situation the Standards Review sub-committees and Assessment sub-committees were delayed until safe arrangements for meetings were devised or alternative arrangements could be made. Following discussions with group leaders, planning chairs and the constitution focus group, a new constitutional protocol was adopted by the Monitoring Officer under delegated powers in May and committee meetings could resume. Since that time there has been one online meeting of the Standards Review sub-committee and one online meeting of the new Standards Assessment sub-committee.

Summary of complaints received 7 November 2019 and 29th June 2020

11. Between 6 November 2019 and 29 June 2020, the Monitoring Officer received 38 complaints under the Code of Conduct. Of these complaints, 15 were received before 1 January 2020 and were dealt with under the previous protocol 12. 23 were dealt with under the new procedures set out in Protocol 11.
12. 8 concerned members of Wiltshire Council, while the remainder were against members of town and parish councils within the authority's area.
13. A summary of the number of cases received each month is attached at **Appendix 1**.

Cases dealt with under Protocol 12

14. Of the 15 cases dealt with under the previous procedure and assessed by, or on behalf of, the Deputy Monitoring Officer the decision to take no further action was made in 6 cases and 6 were withdrawn or resolved by alternative resolution.

Investigations

15. In this period, investigations have been carried out in respect of three complaints. The investigation reports are currently being considered by the Monitoring Officer.

16. Reviews

17. Six complaints were considered by the Review Sub-Committee for the period

covered by this report.

Cases dealt with under Protocol 11

18. Of the 23 cases dealt with under the new procedure 3 have been withdrawn, one discontinued for lack of communication. 11 cases are pending.

Matters determined by Monitoring Officer under Paragraph 4.6 (trivial, vexatious, malicious or politically motivated)

19. In the period since 1 January 2020 when the new procedures came into force there have been 6 matters so determined by the Monitoring Officer or his representatives.

Investigations

20. In the period since 1 January 2020, the Assessment sub-committee have determined that 2 investigations take place.

Types of Complaint

21. The complaints received cover a number of issues. They all allege some form of inappropriate behaviour, such as failing to treat the complainant with respect, bullying or posting inappropriate remarks or material on social media. A number allege failure to declare interests.

Proposal

22. The Committee are asked:
- a. To note the current position on Code of Conduct Complaints
 - b. To consider whether there is any further or different information that they would wish to see in future updates

Ian Gibbons, Monitoring Officer

Report Author: Paul Barnett, Acting Team Leader, Public Law and Compliance

Appendix 1 – Summary of Complaints

This page is intentionally left blank

Appendix 1

Monthly Code of Conduct Cases 2019 – former arrangements under Protocol 12

	Cases received	Assessed by MO - Investigation	Assessed by MO - No Further Action	Assessed by MO Alternative Resolution/Complaint withdrawn	Pending assessment (*assessed & decision notice being finalised)	Other	Requests for review committee received
November	8	2	1	5	0	0	3
December	7	1	5	1	0	0	3

Monthly Code of Conduct Cases 2020 – revised arrangements under Protocol 11

	Cases received	Assessed by Assessment Sub Committee - Investigation	Assessed by Assessment Sub Committee -no further action	Alternative Resolution/complaint withdrawn	Pending assessment by Assessment Sub Committee (*assessed & decision notice being Finalised)	Other	Complaints Determined by MO under Paragraph 4.6
January	4	0	0	1	0	0	3
February	4	0	0	1	0	1	2
March	2	2	0	0	0	0	0
April	5	0	0	1	3	0	1
May	3	0	0	1	2	0	0
June	5	0	0	0	5	0	0

This page is intentionally left blank

Wiltshire Council

Standards Committee

7 July 2020

Recommendations of the Constitution Focus Group: Part 3B of the Constitution Section 2.7 and 7 and Protocol 2 relating to Section 7

Purpose of Report

1. This report asks the Standards Committee to consider recommendations of the Constitution Focus Group in relation to Part 3B and Protocol 2 of the Constitution including:
 - Paragraphs 2.7 and 7 of Part 3B - Wiltshire Pension Fund Committee, Local Pension Board
 - Protocol 2 - Local Pension Board

Background

2. The Standards Committee has responsibility for oversight of the Council's constitution. It has established a cross party working group, known as the Constitution Focus Group, to advise and assist in carrying out this function.
3. The Focus Group met on 14 June 2019, 15 January 2020 and 24 April 2020 to review sections of the Constitution set out above.
4. The Pension Fund Committee and Board members completed a member effectiveness review in November 2018 co-ordinated by the Fund's Actuarial Consultants Hymans Robertson, following which recommendations were made in the way the Committee and Board should operate. These recommendations were considered by a focus group of key Pension Fund stakeholders in January 2019, the culmination of which led to key actions being agreed.

One of these actions was to review the existing terms of reference (ToR) under the Constitution in respect of both the Wiltshire Pension Fund Committee and Local Pension Board to ensure that;

- each ToR remained relevant to the statutory purpose of its group;
 - all members had a clearer understanding of their roles and responsibilities relative to their group and those of the other group;
 - the ToRs would be harmonised in purpose with the other group; and
 - where required, the ToR would be increased in scope, if it were silent in its content or loosened in its nature if it were found to be too prescriptive and impractical to execute in its nature.
5. The reasons for the paragraphs within each ToR becoming misaligned with each other over the past few years has been due to the increased complexity of the Fund's investment strategy requiring the creation of the Investment Sub-Committee and new pensions legislation, notably the Public Services Pensions Act 2013 which initiated the introduction of the Local Pension Board in April 2015.

6. These changes are intended to enable a more effective cascade of information throughout the rest of the Fund’s documentation leading to greater efficiency of the management of the Fund.

Main Considerations

7. The Focus Group considered the existing terms of reference, detailed in **Appendices A and B**, had been lacking in content, clarity and functional execution in respect of certain procedures and that it was appropriate to recommend amendment to these paragraphs in relation to the overall operational effectiveness of the Administering Authority’s Pension Fund.
8. The Focus Group therefore recommends the series of changes set out in **Appendices C and D**, a summary of which are highlighted below;

Part 3, Section 2.7 – ToR for the Wiltshire Pension Fund Committee

To create a Protocol 2A document which enhances the ToR paragraphs by either adding or amending them as described below;

Additions

- An introduction defining the formation of the Fund;
- An interpretations paragraph providing background guidance;
- A Duties of Committee paragraph concerning member conduct and registration of interests;
- A Duties of the Chairman paragraph providing clarity over the management of the Committee;
- Meetings paragraphs;
- Quorum paragraphs;
- Functions of the Committee paragraphs detailing the policy framework in which the Committee would operate; and
- Delegations paragraphs setting out its relationship with the Committee’s Investment sub-Committee and officers supporting the Committee.

Amended

- Paragraph 2.7.2 was amended and retitled into two paragraphs namely “Statement of purpose” and “Reporting” to enable distinction in these functional areas;
- Paragraph 2.7.1 was amended and retitled “Membership” and separated into two paragraphs within Protocol 2A; and
- Paragraph 2.7.3 was amended and retitled “Recruitment process and term lengths”. It now comprises of 8 paragraphs within Protocol 2A covering.
 - i) Elected member representatives;
 - ii) Elected Employer representatives;
 - iii) Non-voting Employee representatives;
 - iv) Appointment of Chair, Vice Chair and substitute members; and
 - v) Notification of appointment.

Part 3, Section 7, Protocol 2 – ToR for the Wiltshire Pension Fund, Local Pension Board

The key material **amendments** over and above a number of housekeeping changes designed to enhance the Board's ToR paragraphs are described below;

- It is now called Protocol 2B;
- Member Representatives, which covered “For the initial member representatives” paragraphs between 17 to 21 and “For subsequent member representatives” paragraphs between 22 to 24 have been merged and simplified into “For the member representatives” paragraphs between 17 to 22;
- Employer Representatives, which covered “For the initial employer representatives” paragraphs between 25 to 34 and “For subsequent employer representatives” paragraphs between 35 to 37 have been merged and simplified into “For the employer representatives” paragraphs between 23 to 33;
- The Appointment of Chair process between paragraphs have been altered to a less prescriptive timeframe and now cover paragraphs 36 to 42;

In all three bullet points above the basis for change highlighted by the effectiveness review was to;

- i) Reflect representation as an ongoing process now that the Board had been established;
 - ii) Make the appointment of members less prescriptive as finding candidates who could fulfil the criteria and were willing to perform the role had become an overly difficult challenge; and
 - iii) Ensure that the democratic process remained clear.
- Independent governance adviser – Paragraph 48 (now paragraph 44) was relaxed in that the Board should simply be able to use the adviser appointed by the Administering Authority for the benefit of the Committee. In practice, no conflict of interest is seen as being present, no appointment has ever been made and from a cost control viewpoint it would be an appointment which would be difficult to justify;
 - Board Administration – Paragraph 67 (now paragraph 63), the issuance of meeting packs was reduced from 7 to 5 working days to be consistent with the timeframe of other Council meeting pack issuances;
 - Public Access to Board meetings and Information – Paragraph 75 (now paragraph 70) was updated to reflect the restructure of officer appointments supporting the Board defining, by who may speak with the permission of the Chair;
 - Budget – Paragraph 83 (now paragraph 78) has been updated with a fourth allowance d) other contractual arrangements, as approved by Committee as part of the annual budget; and
 - Reporting – Paragraphs 90 to 93 (now paragraphs 85 to 88) have been reformatted to better reflect the actual reporting framework by which the Board communicates with both the Committee and publicly.

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk Assessment

11. There are no risk issues arising from this report.

Financial Implications

12. There are no financial implications arising from this report.

Legal Implications

13. The recommendations in this report are consistent with the council's duties under relevant legislation.

Public Health Impact of the Proposals

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

Environmental Impact of the Proposals

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

Proposal

16. **To recommend Full Council approve the revisions to Part 3B of the Constitution Sections 2.7 and 7 and Protocol 2 relating to Section 7 by the implementation of Protocols 2A and 2B**

Ian Gibbons, Director, Legal, Electoral and Registration Services

Report Author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504,
kieran.elliott@wiltshire.gov.uk

Appendices

Appendix A – Existing Part 3, Section 2.7

Appendix B – Existing Part 3, Section 7, Protocol 2

Appendix C – Revised Part 3, Protocol 2A

Appendix D – Revised Part 3, Section 7, Protocol 2B

Background Papers

[Part 3 of the Constitution](#)

Current Part 3B

Part 3B – existing (July 2020)

2.7 Wiltshire Pension Fund Committee

- 2.7.1 This committee will comprise five Members from the authority and co-opted Members as follows:
- Two voting Members from Swindon Borough Council;
 - Two voting Employer Representatives;
 - Two non-voting employee representatives, one representing Wiltshire Council employees, and one representing Swindon Borough Council employees.
- 2.7.2 It will exercise the functions of the Council as administering authority under the Local Government Superannuation Acts and Regulations and deal with all matters relating thereto. The committee will publish meetings attendance records in an Annual Report.
- 2.7.3 The voting Employer Representatives will serve a four-year fixed term from appointment. On expiry of the four-year term, applications for the position will be sought (from the incumbent and the applicable employer bodies) and an appointment process will be undertaken by the committee should more than one application be received for the role.

7 Local Pension Board

- 7.1 The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:
- 7.1.1 Secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
- 7.1.2 To ensure the effective and efficient governance and administration of the Scheme.

Composition

- 7.2 The Board shall consist of 6 voting Members, as follows:

- 7.2.1 3 Member Representatives; and
7.2.2 3 Employer Representatives.

- 7.3 There shall be an equal number of Member and Employer Representatives.
- 7.4 There shall also be an independent chairman who is not entitled to vote.

Quorum

Current Part 3B

- 7.5 A meeting is only quorate when at least 50% of both Member and employer representatives are present.
- 7.6 A meeting that becomes inquorate may continue but any decisions will be non-binding.

Access to Information

- 7.7 The Local Pension Board is subject to the Access to Information Procedure Rules in Part 5 of this Constitution.

Terms of Reference

- 7.8 The full terms of reference for the Local Pension Board can be found at Protocol 2.

Original Text

**Wiltshire Council
Constitution
Protocol 2
Local Pension Board**

LOCAL PENSION BOARD OF WILTSHIRE COUNCIL

TERMS OF REFERENCE

Introduction

1. This document sets out the terms of reference of the Local Pension Board of Wiltshire Council (the “Administering Authority”) being a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (the “Board”) is established under Section 5 of that Act and regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).
2. The Board is established by the Administering Authority and operates independently of the Committee. Relevant information about its creation and operation are contained in these Terms of Reference.
3. The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.
4. Except where approval has been granted under regulation 106(2) of the Regulations the Board shall be constituted separately from any committee or sub-committee constituted under Section 101 of the Local Government Act 1972 with delegated authority to execute the function of the Administering Authority.

Interpretation

5. The following terms have the meanings as outlined below:

‘the Act’	The Public Service Pensions Act 2013.
‘the Code’	means the Pension Regulator’s Code of Practice No 14 governance and administration of public service pension schemes.
‘the Committee’	means the Wiltshire Pension Fund Committee which has delegated decision making powers for the Fund in accordance with Section 101 of the Local Government Act 1972.

'the Fund'	means the Wiltshire Pension Fund managed and administered by the Administering Authority.
'the Guidance'	means the guidance on the creation and operation of local pension boards issued by the Shadow Scheme Advisory Board.
'the Regulations'	means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as amended from time to time).
'Relevant Legislation'	means relevant overriding legislation as well as the Pension Regulator's Codes of Practice as they apply to the Administering Authority and the Board notwithstanding that the Codes of Practice are not legislation.
'the Scheme'	means the Local Government Pension Scheme in England and Wales.

Statement of purpose

6. The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:
 - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
 - (b) to ensure the effective and efficient governance and administration of the Scheme.

Duties of the Board

7. The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members should be subject to and abide by the code of conduct for Board members.

Establishment

8. The Board is established on 1 April 2015 subsequent to approval by full council at its meeting on 24 February 2015 (minute 22).

Membership

9. The Board shall consist of 6 voting members, as follows:
 - 3 Member Representatives; and
 - 3 Employer Representatives.
10. There shall be an equal number of Member and Employer Representatives.
11. There shall also be an independent chairman who is not entitled to vote.
12. The Board will also have access to an independent governance adviser.

Member representatives

13. Member representatives shall either be scheme members or have capacity to represent scheme members of the Fund. At least one member representative should be an active member of the Wiltshire Pension Fund.
14. Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
15. Substitutes shall not be appointed.
16. The 3 member representatives shall be appointed following a transparent recruitment process. Of these 2 member representatives will be nominated from a recognised trade union. 1 member representative position should be open to all Fund members and be approved by the Administering Authority (rather than the Committee) based on the process outlined below.

For the initial member representatives:

17. The Administering Authority (rather than the Committee) will administer the appointment process as follows.
18. The Administering Authority shall advertise the member representative role on the Fund website and the Wiltshire Council job vacancy website, including [information on where to access] a nomination pack for each of the three member groups. The Administering Authority shall also notify all employer organisations and registered trade unions in writing of the vacancies, including [information on where to access] a nomination pack for each of the three member groups. The nomination pack will include these Terms of Reference, details of the member representative role, a nomination form and instructions for application. The closing date for receipt of nominations by the Administering Authority will be four weeks from the date of advertisement or notice.

19. The Administering Authority will score all nominations returned by the deadline against [published] criteria relating to each nominee's ability to meet the capacity requirements of the role, in order to produce a shortlist.
20. Shortlisted nominees will be invited to an interview by the Administering Authority's Director – Legal, Electoral and Registration Services and the Administering Authority's Director – Finance and Procurement (or their nominated representatives). A recommendation will then be made to full council for the appointment to the Board of three nominees, two of which will represent nominations from a recognised trade union based on [published] criteria relating to ability to meet the capacity requirements of the role.
21. Full council will make three member representative appointments to the Board.

For subsequent member representatives:

22. For all appointments after 1 August 2015, nominations will be sought in the same manner as for initial appointments.
23. Should there be more than three successful candidates able to fulfil all the criteria of the role, an election process will take place during which all active members of the Fund will be asked to cast one vote based on a brief biography published for each nominee for the non-trade union nominated member representative position.
24. Full council will appoint the three nominees (and if more than one nominations are received for the non-trade union position, the one nominee with the highest number of votes) as the member representatives of the Board.

Employer representatives

25. Employer representatives shall be office holders or senior employees of employers within the Fund or have experience of representing scheme employers in a similar capacity. No officer or elected member of Wiltshire Council who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.
26. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
27. Substitutes shall not be appointed.
28. The 3 employer representatives shall be appointed following a transparent recruitment process which should be open to all employer organisations and be approved by the Administering Authority (rather than the Committee) based on the process outlined below.

For the initial employer representatives:

29. The Administering Authority (rather than the Committee) will administer the appointment process as follows.
30. In order to ensure that the employer representatives are truly representative of the employer organisations within the Fund whilst also being given equal opportunity for nomination, employer organisations within the Fund will be divided into three groups based on organisation size (by number of employees) for nomination purposes:

Group 1: Wiltshire Council;
Group 2: Swindon Borough Council and Wiltshire Police; and Group 3: all other employer organisations within the Fund.
31. The Administering Authority shall publish [information on where to access] a nomination pack for each of the three employer groups. The nomination pack will include these Terms of Reference, details of the employer representative role, a nomination form and instructions for application. Each employer within the group will be invited to put forward one suitable nominee using the prescribed nomination form, which must be returned to the Administering Authority within four weeks of the date of the invitation.
32. The Administering Authority will score all nominations returned by the deadline against [published] criteria relating to each nominee's ability to meet the capacity requirements of the role, in order to produce a shortlist of no more than [two] nominees from each employer group. If any employer group fails to nominate, then the Administering Authority may substitute a nominee from another group according to score received, so that the shortlists contain the highest scoring nominees overall.
33. Shortlisted nominees will be invited to an interview [by the Administering Authority's Director – Legal, Electoral and Registration Services and the Administering Authority's Director – Finance and Procurement (or their nominated representatives)]. A recommendation will then be made to full council for the appointment to the Board of three nominees based on [published] criteria relating to ability to meet the capacity requirements of the role.
34. Full council will make three employer representative appointments to the Board.

For subsequent employer representatives:

35. For all appointments after 1 August 2015, nominations will be sought in the same manner as for initial appointments.
36. Should there be more than three successful candidates able to fulfil all the criteria of the role, an election process will take place during which all employer organisations within the Fund will be asked to cast one vote based on a brief biography published for each nominee.
37. Full council will appoint the three nominees (and if more than three

nominations are received, the three nominees with the highest number of votes) as the employer representatives of the Board.

Other members

38. 1 other member shall be appointed to the Board to act as independent chair by the agreement of both the Administering Authority and the Board.
39. Other members do not have voting rights on the Board.

Appointment of chair

40. The Administering Authority (rather than the Committee) will administer the appointment process as follows.
41. The independent chair shall be appointed by the Administering Authority but shall count as an 'other' member under paragraphs 38 to 39 above. In this respect the term independent means having no pre-existing employment, financial or other material interest in either the Administering Authority or any scheme employer in the Fund or not being a member of the Fund, and a Wiltshire Member.
42. The Administering Authority shall advertise the role of chair on the Fund website, the Wiltshire Council job vacancy website and such other appropriate media as it thinks fit, including [information on where to access] a nomination pack. The nomination pack will include these Terms of Reference, details of the role or chair, a nomination form and instructions for application. The closing date for receipt of nominations by the Administering Authority will be four weeks from the date of advertisement.
43. The Administering Authority will score all nominations returned by the deadline against [published] criteria relating to each nominee's ability to meet the relevant experience and capacity requirements of the role, in order to produce a shortlist of no more than [five] nominees.
44. Shortlisted nominees will be invited to an interview [by the Administering Authority's Director – Legal, Electoral and Registration Services and the Administering Authority's Director – Finance and Procurement (or their nominated representatives)]. A recommendation will then be made to full council for the appointment of the chair to the Board based on [published] criteria relating to ability to meet the experience and capacity requirements of the role.
45. Full council will appoint the chair to the Board. However, the appointment of the chair shall be subject to the passing of a motion to confirm by a majority of the employer and member representatives of the Board.
46. The Board will appoint the vice chair from amongst its remaining voting members, alternating on an annual basis between an employer representative and a member representative.

Duties of chair

47. The chair of the Board:

- (a) Shall ensure the Board delivers its purpose as set out in these Terms of Reference,
- (b) Shall ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered, and
- (c) Shall seek to reach consensus and ensure that decisions are properly put to a vote, won by a simple majority, when it cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.

Independent governance adviser

48. The Administering Authority will procure the services of the independent governance adviser in accordance with Part 11 of the Administering Authority's constitution, having regard to the best interests of the purpose of the Board. The role will be re-tendered every four years.

49. In this respect the term independent means having no current employment, contractual, financial or other material interest in either Wiltshire Council or any scheme employer in the Fund other than for this role; and not being a member of the LGPS in the Fund.

Notification of appointments

50. When appointments to the Board have been made the Administering Authority shall publish the name of Board members, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

Terms of Office

51. The term of office for Board members is 4 years.

52. All members of the Board will have a fixed term of office of 4 years. After this period the nomination process will be undertaken as outlined above and incumbents may seek re-appointment as part of this process. However, an extension to terms of office may be made by the Administering Authority with the agreement of the Board.

53. Board membership may be terminated prior to the end of the term of office if:

- (a) there exists a conflict of interest in relation to a Board member which cannot be managed within the internal procedures of the Committee
- (b) a Board member becomes incapable of acting
- (c) a Board member becomes responsible for the discharge of any function

of the Administering Authority under the Regulations (apart from any function relating to local pension boards or the Scheme Advisory Board), for instance by being appointed to the Committee or accepting employment in relation to the Fund

- (d) a Board member resigns
- (e) a member representative ceases to be a member of the body or scheme on which their appointment relied
- (f) an employer representative ceases to hold the office, employment or membership of the body on which their appointment relied
- (g) a Member ceases to represent their constituency
- (h) the Administering Authority (at its sole discretion) determines that a member is no longer able to demonstrate his or her capacity to attend and prepare for meetings or to participate in required training

Conflicts of interest

- 54. All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board.
- 55. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.
- 56. On each appointment to the Board and following any subsequent declaration of potential conflict, the Administering Authority shall ensure that any potential conflict is effectively managed in line with the internal procedures of the Administering Authority, the requirements of the Act, the requirements of the Code and the requirements of Relevant Legislation on conflict of interest for Board members.

Knowledge and understanding (including Training)

- 57. Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority in line with the requirements outlined in paragraph 6 above. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
- 58. Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
- 59. Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the

Board.

60. Failure to attend training or participate in the processes referred to above may lead to removal from the Board.

Meetings

61. Meetings of the Board will be held at least four times a year.
62. The Board will meet at the Administering Authority's main offices, or another location to be agreed by the chair. Meetings will be held during normal working hours at times to be agreed by the chair.
63. The chair of the Board may call additional meetings with the consent of other members of the Board. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and emails.

Quorum

64. A meeting is only quorate when at least 50% of voting members are present, with at least one scheme member and employer member representative present.
65. A meeting that becomes inquorate may continue but any decisions will be non-binding.

Board administration

66. The chair shall agree the Administering Authority's Democratic Services team (the 'Board Secretary') an agenda prior to each Board meeting.
67. The agenda and supporting papers will be issued at least 5 working days in advance of the meeting except in the case of matters of urgency.
68. Draft minutes of each meeting including all actions and agreements will be recorded and circulated to all Board members within 10 working days after the meeting. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes.
69. The minutes may with the agreement of the Board, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.
70. The Board Secretary shall ensure that Board members meet and maintain the knowledge and understanding as determined in the Board's Knowledge and Understanding Policy and Framework and other guidance or legislation.

71. The Board Secretary shall arrange such advice as is required by the Board subject to such conditions as are listed in these Terms of Reference for the use of the budget set for the Board.
72. The Board Secretary shall ensure an attendance record is maintained along with advising the Administering Authority on allowances and expenses to be paid under these terms.
73. The Board Secretary shall liaise with the Administering Authority on the requirements of the Board, including advanced notice for officers to attend and arranging dates and times of Board meetings.

Public access to Board meetings and information

74. The Board meetings can be open to the general public (unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the general public). The Board is subject to the Access to Information Procedure Rules in Part 5 of the Administering Authority's constitution and the publication requirements of the Act.
75. The following will be entitled to attend Board meetings in an observer capacity, and may speak with the permission of the chair:
 - (a) Members of the Committee
 - (b) The Administering Authority's Director – Finance and Procurement
 - (c) The Administering Authority's Head of Pensions
 - (d) The Administering Authority's Cabinet member with responsibility for Finance
 - (e) Any person requested to attend by the Board
76. In accordance with the Act the Administering Authority shall publish information about the Board to include:
 - (a) The names of Board members and their contact details.
 - (b) The representation of employers and members on the Board.
 - (c) The role of the Board.
 - (d) These Terms of Reference.
77. The Administering Authority shall also publish other information about the Board including:
 - (a) Agendas and minutes
 - (b) Training and attendance logs
 - (c) An annual report on the work of the Board to be included in the Fund's own annual report.
78. All or some of this information may be published using the following means or other means as considered appropriate from time to time:
 - (a) On the Fund's website.

- (b) As part of the Fund's Annual Report.
- (c) As part of the Governance Compliance Statement.

79. Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

Expenses and allowances

- 80. Any Wiltshire Member appointed to the Board will be entitled to receive expenses in accordance with Part 14 of the Administering Authority's constitution (Members' Allowance Scheme).
- 81. The independent governance adviser will be paid in accordance with the contract concluded with the Administering Authority.
- 82. Allowances and reimbursement of expenses for all other members of the Board will be decided by the Administering Authority.

Budget

- 83. The expenses of the Board falls as a cost to the Fund. Therefore, the Committee will, via its delegation from full council, allocate an annual budget for the Board which is adequate to fulfil its role as part of its budget setting process. The budget will be managed by and at the discretion of the Board. The budget shall allow for:
 - a) accommodation and administrative support to conduct its meetings and other business;
 - b) training; and
 - c) legal, technical and other professional advice
- 84. The Board may make requests to the Administering Authority's Director – Finance and Procurement to approve any additional expenditure required to fulfil its obligations which will then be charged to the Fund budget.

Core functions

- 85. The first core function of the Board is to assist the Administering Authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:
 - a) Review regular compliance monitoring reports which shall include reports to and decisions made under the Regulations by the Committee.

- b) Review management, administrative and governance processes and procedures in order to ensure they remain compliant with the Regulations, Relevant Legislation and in particular the Code.
- c) Review the compliance of scheme employers with their duties under the Regulations and Relevant Legislation.
- d) Review such documentation as is required by the Regulations including the Governance Compliance Statement, Funding Strategy Statement and Statement of Investment Principles.
- e) Review scheme members and employers communications as required by the Regulations and Relevant Legislation.
- f) Monitor complaints and performance on the administration and governance of the scheme.
- g) Review the Internal Dispute Resolution Process.
- h) Review Pensions Ombudsman cases.
- i) Review the arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme.
- j) Review the complete and proper exercise of employer and administering authority discretions.
- k) Review the outcome of internal and external audit reports.
- l) Review draft accounts and Fund annual report.

86. The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:

- a) Monitor performance of administration, governance and investments against key performance targets and indicators.
- b) Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.
- c) Monitor investment costs including custodian and transaction costs.
- d) Monitor internal and external audit reports.
- e) Review the risk register as it relates to the scheme manager function of the Administering Authority.
- f) Review the outcome of actuarial reporting and valuations.
- g) Provide advice and make recommendations when required to the Committee on areas that may improve the effectiveness and efficient operation and governance of the Fund.

87. In support of its core functions the Board may make a request for information to the Committee with regard to any aspect of the Administering Authority's function. Any such request should be reasonably complied with in both scope and timing.

88. In support of its core functions the Board may make recommendations to the Committee which should be considered and a response made to the Board on the outcome within a reasonable period of time.

Reporting

89. The Board is accountable solely to the Administering Authority for the effective operation of its functions.
90. The Board shall report to the Committee as often as the Board deems necessary and at least annually:
 - a) a summary of the work undertaken since the last report
 - b) the work plan for last year and the programme for the next 12 months
 - c) areas raised to the Board to be investigated since the last report and how they were dealt with
 - d) any risks or other areas of potential concern it wishes to raise
 - e) details of training received since the last report and planned
 - f) details of all expenses and costs incurred over the past 12 months and projected for the next year
 - g) details of any conflicts of interest identified since the last report and how they were dealt with
91. The Board should also report its requests, recommendations or concerns to the Committee. In support of this any member of the Board may attend a Committee meeting as an observer.
92. The Board should report any concerns over a decision made by the Committee to the Committee subject to the agreement of at least 50% of voting Board members provided that all voting members are present. If not all voting members are present then the agreement should be of all voting members who are present, where the meeting remains quorate.
93. On receipt of a report under paragraphs 90 and 91 above the Committee should, within a reasonable period, consider and respond to the Board.
94. Where the Board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.
95. Where the Board is satisfied that there has been a breach of regulation which has been reported to the Committee under paragraph 90 and 91 and has not been rectified within a reasonable period of time it is under an obligation to escalate the breach.
96. The appropriate internal route for escalation is to the Administering Authority's Director – Finance and Procurement as the Section 151 Officer.
97. The Board may report concerns to the LGPS Scheme Advisory Board for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.
98. Board members are also subject to the requirements to report breaches of law under the Act and the Code and the whistleblowing provisions set out in the Administering Authority's whistle blowing policy.

Review of Terms of Reference

99. These Terms of Reference shall be reviewed on each material change to those parts of the Regulations and relevant scheme guidance covering local pension boards and at least every 5 years.

100. These Terms of Reference were last reviewed on 22 October 2015.

Original text

This page is intentionally left blank

Wiltshire Pension Fund Committee

Protocol 2A

Pension Fund Committee of Wiltshire Council
Terms of Reference

Introduction

1. This document sets out the terms of reference of the Wiltshire Pension Fund Committee of Wiltshire Council (the “Administering Authority”) being the scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Committee is constituted as a Committee of the Administering Authority under Section 101 of the Local Government Act 1972 and has been assigned general duties, responsibilities and powers assigned to any sub-committees or officers under Wiltshire Council’s constitution.

Interpretations

2. The following terms have meanings as outlined below:

'the Regulations' means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as amended from time to time);

'Relevant Legislation' means relevant overriding legislation as well as the Pension Regulator's Codes of Practice as they apply to the Administering Authority notwithstanding that the Codes of Practice are not legislation;

'the Scheme' means the Local Government Pension Scheme in England and Wales;

“Pension Fund Officers” shall mean the Director of Finance and Procurement, Head of Pension Administration and Relations and/or the Head of Pension Fund Investments as appropriate for the context, in line with their general roles and responsibilities;

“the Board” means the Local Pension Board established under Section 5 of the Public Service Pensions Act 2013 and regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended) and as set out in Protocol 2B of this constitution; and

“Treasurer of the Fund” shall mean the Director of Finance and Procurement, or nominee where any conflict may arise.

Statement of purpose

3. The Committee is to act on behalf of the Administering Authority in its role as a scheme manager of the Scheme. In particular:

- a) To have full decision-making responsibility on all aspects of the administration and management of the pension fund;
- b) The power to delegate Pension Fund functions to Pension Fund officers, the Investment Sub-Committee and other service areas within the Administering Authority as the Committee may consider appropriate to ensure the smooth administration of the Pension Fund having regard to the Scheme of Delegation to Officers as set out in Part 3 of the Wiltshire Council’s Constitution;

Proposed revision – Protocol 2A

- c) the Committee shall work with the Board considering all their recommendations and determine any appropriate action(s) to be taken, or provide a reason to the Board for not enacting a recommendation made by them; and
- d) maintain a business plan and other key Wiltshire Pension Fund documents such as the Governance Compliance Statement, Funding Strategy Statement and Investment Strategy Statement to facilitate the delegation to officers of key strategic functions of the Scheme.

Duties of the Committee

- 4. The Committee should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty all Committee members shall make declarations on the register of interests of the Administering Authority in accordance with its code of conduct.

Membership

- 5. The chair and vice chair will be appointed from one of five of the voting Wiltshire Council Members.
- 6. Committee membership may be terminated prior to the end of the Member's term of office if:
 - a) there exists a conflict of interest in relation to a Committee member which cannot be managed within the internal procedures of the Committee;
 - b) a Committee member becomes incapable of acting;
 - c) a member representative ceases to be a member of the body or scheme on which their appointment relied;
 - d) an employer representative ceases to hold the office, employment or membership of the body on which their appointment relied; and/or
 - e) a councillor ceases to represent their constituency.

Recruitment process and term lengths

Elected Member Representatives

- 7. Members elected from both Administering Authority and Swindon Borough Council will be appointed by Wiltshire Council's Full Council. Full Council should consider their appointments in terms of the Member's relevant experience of pension related matters and their willingness to exercise this specific function on behalf of the Administering Authority.

Employer Representatives

- 8. The voting Employer Representatives will serve a four-year fixed term from appointment. On expiry of the four-year term, applications for the position will be sought (from the incumbent and other applicable employer bodies) and an appointment process will be undertaken by the Committee. Should more than one application be received for the role, appointment will be made by interview.
- 9. All members may be re-appointed following a four-year term.

Non-voting Employee Representatives

- 10. Representatives will be sought from the recognised Trade Union bodies and be reviewed by the Unions after the representative has served a four-year fixed term from appointment. On completion of the review the Union may choose whether to put forward the same representative or choose to appoint another representative from one of their number.

Proposed revision – Protocol 2A

11. For non-elected member representatives and employer representatives, appointments shall be made as follows:

- a) Nominations will be initially sought in a manner which seeks to fairly reflect the Scheme employers and membership of the Fund, however where no nominations are initially received, further requests for nominations can be sought from any appropriate representative;
- b) Successful nominations will be invited to interview by a panel of Committee members and Pension Fund officers; and
- c) Successful interviewees will be recommended to Full Council for approval and invited to become a member.

12. All representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

Appointment of Chairman, Vice Chairman and Substitute Members

13. The Administering Authority will administer the appointment process of the Chairman, Vice Chairman and Substitute Members:

- a) Full Council will appoint a Chairman and Vice Chairman annually. The appointment of these roles will consider each individual's knowledge and understanding of pensions including any relevant professional qualification that the Councillors may hold.
- b) Substitute members – Full Council will appoint substitute members as required giving consideration to each individual's knowledge and understanding of pensions including any relevant professional qualification that the Councillors may hold.

Notification of appointment

14. When appointments to the Committee have been made the Administering Authority shall publish the name of Committee member. Appointments are not required under the Public Services Pension Act 2013 (formerly Pension Act 2004 section 248a) to maintain a sufficient level of knowledge and understanding, however it is expected that good practice will be followed, in so far that appointees will abide by the requirements specified in the Pension Regulator's code of practice 14 and the Pension Act 2004 sections 247 to 249. For those appointees who sit on the Fund's investment sub-committee it is expected that their knowledge and understanding will enable them to continue to comply with the FCA's MiFID II Regulations (or as amended from time to time) in relation to the Fund's professional investor status.

Duties of the Chair

15. The Chair:

- a) Shall ensure the Committee delivers its purpose as set out in these Terms of Reference and all relevant legislation;
- b) Shall ensure that meetings are productive and effective, and that opportunity is provided for the views of all members to be expressed and considered; and
- c) Shall seek to reach consensus and ensure that decisions are properly put to a vote, won by a simple majority and when it cannot be reached that the instances of a failure to reach a consensus position will be recorded and published.

Meetings

16. Meetings of the Committee will be held at least four times a year.

Proposed revision – Protocol 2A

17. The Pension committee and any sub-committee will follow those parts of the Council procedure rules set out in Part 4 of Wiltshire Council's constitution as apply to them.

Quorum

18. A meeting is only quorate when at least 25% of voting members are present, subject to a minimum of 3.

19. A meeting that becomes inquorate may continue but any decisions will be non-binding.

20. Public Access to Committee meetings and information:

For the avoidance of doubt Part 5 of Wiltshire Council's constitution reflects the current statutory requirements set out in Section 100 Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These rules apply to the Pensions Committee or any sub-committee except where any particular issue is governed by other specific legislation.

Functions of the Committee

21. The Committee exercises the functions of the Council as Administering Authority. To fulfil its functions the Wiltshire Pension Fund Committee will operate within a framework of key Governance and Compliance documents which it will ensure are maintained. The key documents are:

- a) Governance Compliance Statement;
- b) Funding Strategy Statement;
- c) Investment Strategy Statement;
- d) Administering Authority Discretions Policy;
- e) Stewardship Code Statement;
- f) Communications Strategy;
- g) Business Plan;
- h) Administration Strategy;
- i) Cessations Policy; and
- j) Annual Report and Accounts.

22. The Committee shall be responsible for approving:

- a) The Fund's budget;
- b) The Triennial Valuation's key assumptions and results in relation to the Pension Fund; and
- c) For reviewing and approving the Annual Report and Accounts for final approval by the Audit Committee.

Delegations

Investment Sub-Committee

23. Authority is delegated to the Investment sub-Committee to review, monitor, implement and provide comment on the Fund's investment strategy, but the Committee shall retain responsibility for the final approval of the Fund's investment strategy.

24. Guidance of the full scope of the Investment Sub-Committee's terms of reference are set out in its own document and can be provided by the Investment Sub-Committee.

25. Authority is delegated to the Treasurer of the Fund (or their nominated representative) to conduct urgent business between meetings, in consultation with the Chair and Vice Chair of the Committee. Any business conducted in this manner must be reported to the next ordinary meeting of the Committee. The scope of delegation is laid out in the sub-Schemes and delegations document.

Proposed revision – Protocol 2A

26. Authority is delegated to the Chair to cast a Shareholder Vote in respect of Special Reserve Matters pertaining to Brunel Pension Partnership, following consultation with Pension Fund Officers and members of the Committee, where there is urgent business to be conducted between meetings.

27. Authority is delegated to the Head of Pensions Administration and Relations and the Head of Pension Fund Investments to prepare the Fund's budgets, although approval of the budget shall remain with the Committee.

Reporting

28. Giving consideration to relevant law and good governance practice the Committee will:

- a) Publish a meetings attendance record in the Annual Report and Accounts;
- b) Invite the Local Pension Board to input into matters of governance and administration; and
- c) Report to the Local Pension Board on action(s) it has taken concerning the Board recommendations.

Last updated: 17th June 2020

This page is intentionally left blank

Wiltshire Pension Fund Board

Protocol 2B

**LOCAL PENSION BOARD OF WILTSHIRE COUNCIL
TERMS OF REFERENCE**

Introduction

1. This document sets out the Terms of Reference of the Local Pension Board of Wiltshire Council (the “Administering Authority”) being a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (the “Board”) is established under Section 5 of that Act and Regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).
2. The Board is established by the Administering Authority and operates independently of the Committee. Relevant information about its creation and operation are contained in these Terms of Reference.
3. The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.
4. Except where approval has been granted under Regulation 106(2) of the Regulations the Board shall be constituted separately from any committee or sub-committee constituted under Section 101 of the Local Government Act 1972 with delegated authority to execute the function of the Administering Authority.

Interpretation

5. The following terms have the meanings as outlined below:

'the Act' The Public Service Pensions Act 2013.

'the Code' means the Pension Regulator’s Code of Practice No 14 governance and administration of public service pension schemes and any successor Codes of Practice.

'the Committee' means the Wiltshire Pension Fund Committee which has delegated decision making powers for the Fund in accordance with Section 101 of the Local Government Act 1972.

'the Fund' means the Wiltshire Pension Fund managed and administered by the Administering Authority.

'the Guidance' means the guidance on the creation and operation of local pension boards issued by the Scheme Advisory Board.

'the Regulations' means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as amended from time to time).

'Relevant Legislation' means relevant overriding legislation as well as the Pension Regulator's Codes of Practice as they apply to the Administering Authority and the Board notwithstanding that the Codes of Practice are not legislation.

'the Scheme' means the Local Government Pension Scheme in England and Wales.

'Other Member' means a person who does not have a pre-existing employment, financial or other material interest in either the Administering Authority or any scheme employer in the Fund and is not a consultant or adviser of the Fund in the last 5 years from the date of the advertisement and they are not a member of the Fund or a Wiltshire Councillor. Membership is defined as any status holding an existing liability.

Statement of purpose

6. The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:

(a) monitor compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme; and

(b) to ensure the effective and efficient governance and administration of the Scheme.

Duties of the Board

7. The Board should always act in a reasonable manner in the conduct of its purpose. In support of this duty all Board members shall make declarations on the register of interests of the Administering Authority in accordance with its code of conduct.

Establishment

8. The Board was established on 1 April 2015 after approval by Full Council at its meeting on 24 February 2015 (minute 22).

Membership

9. The Board shall consist of 6 voting members, as follows:

3 Member Representatives (as set out in paragraph 13 and appointed in accordance with paragraphs 17 to 22 below); and

3 Employer Representatives (as set out in paragraph 23 and appointed in accordance with paragraphs 24 to 33 below).

10. There shall be an equal number of Member and Employer Representatives.

11. There shall also be an independent chairman who is not entitled to vote.

12. The Board will also have access to an independent governance adviser.

Member representatives

13. Member representatives shall either be scheme members or have capacity to represent scheme members of the Fund. At least one-member representative should be an active member of the Wiltshire Pension Fund.

14. Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

15. Substitutes shall not be appointed.

16. The 3-member representatives shall be appointed following a transparent recruitment process. Of these a minimum of 1-member representative and a maximum of 2-member representatives shall be nominated from a recognised trade union. At least 1-member representative position should be open to all Fund members and be approved by the Administering Authority (rather than the Committee) based on the process outlined below.

For the member representatives:

17. The Administering Authority (rather than the Committee) will administer the appointment process as follows.

18. The Administering Authority shall advertise the member representative role, including information on where to access a nomination pack for each of the 3-member groups. The Administering Authority shall also notify all employer organisations and registered trade unions in writing of the vacancies, including information on where to access a nomination pack for each of the member groups. The nomination pack will include these Terms of Reference, details of the member representative role, a nomination form and instructions for application. The Administering Authority anticipates that any nominations it receives for a trade union representative will have also compiled with that trade union's nomination process. The closing date for receipt of nominations by the Administering Authority will initially be four weeks from the date of advertisement or notice, but where subsequent rounds of nomination are sought this period can alter, as legitimate circumstances dictate.

19. The Administering Authority's Director – Democratic Services and the Administering Authority's Director – Finance and Procurement (or their nominated representatives) will score all nominations returned by the deadline against criteria relating to each nominee's ability to meet the capacity requirements of the role, to produce a shortlist.

20. Should there be more applications from candidates able to fulfil all the criteria of the role than the number of vacancies available, an election process will take place during which all active members of the Fund will be asked to cast one vote based on a brief biography published for each candidate for the non-trade union nominated member representative role(s). The candidate with the highest number of votes will be recommended to Full Council. In the event of a tie the candidate with the highest score at the shortlisting stage will be recommended.

21. Where no nominations are submitted in the initial round of advertising for a role, one subsequent request for nominations will be made to the relevant member group and if there is still no success, an advert to the wider member group will take place regardless of their trade union membership, or if they are an active or non-active scheme member. If suitable nominations are still not received, Pension Fund Officers will be entitled to approach suitable individuals who they believe may be suitable members to serve a term of office on behalf of a member group. Approval of a suitable individual will be required from Administering Authority's Director – Democratic Services and the Administering Authority's Director – Finance and Procurement (or their nominated representatives). A recommendation will then be made to full council for the appointment to the Board.

22. Full Council/the Standards Committee on behalf of the Council will appoint the member representative(s) of the Board.

For the Employer representatives

23. Employer representatives shall be suitable office holders of employers within the Fund or have experience of representing scheme employers in a similar capacity. No officer of Wiltshire Council

who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.

24. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

25. Substitutes shall not be appointed.

26. The employer representative(s) shall be appointed following a transparent recruitment process which should be open to all employer organisations and be approved by the Administering Authority (rather than the Committee) based on the process outlined below.

27. The Administering Authority (rather than the Committee) will administer the appointment process as follows.

28. To ensure that the employer representative(s) are truly representative of the employer organisations within the Fund, whilst also being given equal opportunity for nomination, employer organisations within the Fund will be divided into three groups based on organisation size (by number of employees) for nomination purposes:

Group 1: Wiltshire Council;

Group 2: Swindon Borough Council and Wiltshire Police; and

Group 3: all other employer organisations within the Fund.

29. The Administering Authority shall publish information on where to access a nomination pack for each employer group. The nomination pack will include these Terms of Reference, details of the employer representative role, a nomination form and instructions for application. Each employer within the group will be invited to put forward one suitable nominee using the prescribed nomination form, which must be returned to the Administering Authority within four weeks of the date of the invitation. However, where subsequent rounds of nomination are sought this period can be altered, as legitimate circumstances dictate.

30. The Administering Authority's Director – Democratic Services and the Administering Authority's Director – Finance and Procurement (or their nominated representatives) will score the nomination(s) returned by the deadline against criteria relating to each nominee's ability to meet the capacity requirements of the role, to produce a shortlist of nominees from an employer group.

31. Should there be more applications from candidates able to fulfil all the criteria of the role than the number of vacancies available, an election process will take place during which all employer organisations of the Fund will be asked to cast one vote based on a brief biography published for each candidate. The candidate with the highest number of votes will be recommended to Full Council. In the event of a tie the candidate with the highest score at the shortlisting stage will be recommended.

32. Where no nominations are submitted in the initial round of advertising the role, one subsequent request for nominations will be made to the relevant employer group, following which a third request will be made to the wider employer group. If suitable nominations are still not received Pension Fund Officers will be entitled to approach employer representatives who they believe may be suitable representatives to serve a term of office on behalf of an employer group.

33. Full Council/the Standards Committee on behalf of the Council will appoint the employer representative(s) of the Board.

Other Members

34. One other member shall be appointed to the Board to act as independent chair by the agreement of both the Administering Authority and the Board.

35. Other members do not have voting rights on the Board.

Appointment of chair

36. The Administering Authority (rather than the Committee) will administer the appointment process as follows.

37. The independent chair shall be appointed by the Administering Authority but shall count as an 'Other' member under paragraphs 34 to 35 above.

38. The Administering Authority shall advertise the role of chair on the Fund website, the Wiltshire Council job vacancy website and such other appropriate media as it thinks fit, including information on where to access a nomination pack. The nomination pack will include these Terms of Reference, details of the role or chair, a nomination form and instructions for application. The closing date for receipt of nominations by the Administering Authority will be four weeks from the date of advertisement. However, where subsequent rounds of nomination are sought this period can be altered, as legitimate circumstances dictate.

39. The Administering Authority will score all nominations returned by the deadline against criteria relating to each nominee's ability to meet the relevant experience and capacity requirements of the role, to produce a shortlist of nominees.

40. Shortlisted nominees will be invited to an interview by the Administering Authority's Director of Democratic Services and the Administering Authority's Director of Finance and Procurement (or their nominated representatives). A recommendation will then be made to Full Council/the Standards Committee on behalf of the Council for the appointment of the chair to the Board based on criteria relating to ability to meet the experience and capacity requirements of the role.

41. Full Council will ratify the chair to the Board. However, the appointment of the chair shall be subject to the passing of a motion to confirm by a majority of the employer and member representatives of the Board.

42. The Board will appoint the vice chair from amongst its remaining voting members, alternating on an annual basis between an employer representative and a member representative.

Duties of chair

43. The chair of the Board:

- (a) Shall ensure the Board delivers its purpose as set out in these Terms of Reference;
- (b) Shall ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered; and
- (c) Shall seek to reach consensus and ensure that decisions are properly put to a vote and won by a simple majority where consensus cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.

Independent governance adviser

44. The Administering Authority will procure the services of the independent governance adviser in accordance with Part 11 of the Administering Authority's constitution, having regard to the best interests of the purpose of the Fund. The role will be re-tendered periodically and be consistent with the wider procurement strategy of the Fund as a whole.

45. In this respect the term independent means having no current employment, contractual, financial or other material interest in either Wiltshire Council or any scheme employer in the Fund other than for this role; and not being a member of the LGPS in the Fund.

Notification of appointments

46. When appointments to the Board have been made the Administering Authority shall publish the name of Board members, the process followed in their appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

Terms of Office

47. The term of office for Board members is 4 years.

48. On completion of a Board member's term the nomination process will be undertaken as outlined above and incumbents may seek re-appointment as part of this process. However, an extension to terms of office may be made by the Administering Authority with the agreement of the Board.

49. Board membership may be terminated prior to the end of the term of office if:

- (a) there exists a conflict of interest in relation to a Board member which cannot be managed within the internal procedures of the Board;
- (b) a Board member becomes incapable of acting;
- (c) a Board member becomes responsible for the discharge of any function of the Administering Authority under the Regulations (apart from any function relating to Local Pension Boards or the Scheme Advisory Board), for instance by being appointed to the Committee or accepting employment in relation to the Fund;
- (d) a Board member resigns;
- (e) a member representative ceases to be a member of the body or scheme on which their appointment relied;
- (f) an employer representative ceases to hold the office, employment or membership of the body on which their appointment relied;
- (g) a councillor ceases to represent their constituency; or
- (h) the Administering Authority (at its sole discretion) determines that a member is no longer able to demonstrate his or her capacity to attend and prepare for meetings or to participate in required training

Conflicts of interest

50. All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising because of their position on the Board.

51. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by that person being a member of the Scheme.

52. On each appointment to the Board and following any subsequent declaration of potential conflict, the Administering Authority shall ensure that any potential conflict is effectively managed in line with the internal procedures of the Administering Authority, the requirements of the Act, the requirements of the Code and the requirements of Relevant Legislation on conflict of interest for Board members.

Knowledge and understanding (including Training)

53. Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority with the requirements outlined in paragraph 6 above. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act.

54. Board members shall attend and participate in training arranged to meet and maintain the requirements set out in the Board's Knowledge and Understanding Policy and Framework.

55. Board members shall participate in such personal training needs analysis or other processes that are put in place to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

56. Failure to attend training or participate in the processes referred to above may lead to removal from the Board.

Meetings

57. Meetings of the Board will be held at least four times a year.

58. The Board will meet at the Administering Authority's main offices, or another location to be agreed by the chair. Meetings will be held during normal working hours at times to be agreed by the chair.

59. The chair of the Board may call additional meetings with the consent of voting members of the Board. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and emails.

Quorum

60. A meeting is only quorate when at least 50% of voting members are present and with at least one scheme member and employer member representative present.

61. A meeting that becomes inquorate may continue but any decisions will be non-binding.

Board administration

62. The chair shall agree with the Administering Authority's Democratic Services team (the 'Board Secretary') an agenda prior to each Board meeting.

63. The agenda and supporting papers will be issued at least 5 working days in advance of the meeting except in the case of matters of urgency.

64. Draft minutes of each meeting including all actions and agreements will be recorded and circulated to all Board members within 10 working days after the meeting. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the

Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes.

65. The minutes may with the agreement of the Board, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 2018.

66. The Board Secretary shall ensure that Board members meet and maintain the knowledge and understanding as determined in the Board's Knowledge and Understanding Policy and Framework and other guidance or legislation.

67. The Board Secretary shall ensure an attendance record is maintained along with advising the Administering Authority on allowances and expenses to be paid under these terms.

68. The Board Secretary shall liaise with the Administering Authority on the requirements of the Board, including advanced notice for officers to attend and arranging dates and times of Board meetings.

Public access to Board meetings and information

69. The Board meetings will be open to the public (unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the public). The Board is subject to the Access to Information Procedure Rules in Part 5 of the Administering Authority's constitution and the publication requirements of the Act.

70. The following will be entitled to attend Board meetings in an observer capacity, and may speak with the permission of the chair:

- (a) Members of the Board;
- (b) The Administering Authority's Director – Finance and Procurement;
- (c) The Administering Authority's Head of Pensions, Administration and Relations;
- (d) The Administering Authority's Head of Pension Fund Investments;
- (e) The Administering Authority's Fund Governance and Performance Manager;
- (f) The Administering Authority's Cabinet member for finance; and
- (g) Any person requested to attend by the Board.

71. In accordance with the Act the Administering Authority shall publish information about the Board to include:

- (a) The names of Board members.
- (b) The representation of employers and members on the Board.
- (c) The role of the Board.
- (d) These Terms of Reference.

72. The Administering Authority shall also publish other information about the Board including:

- (a) Agendas and minutes
- (b) Training and attendance logs
- (c) An annual report on the work of the Board to be included in the Fund's own annual report.

73. All or some of this information may be published using the following means or other means as considered appropriate from time to time:

- (a) On the Fund's website.
- (b) As part of the Fund's Annual Report.
- (c) As part of the Governance Compliance Statement.

74. Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A (2) of that Act and/or they represent data covered by the Data Protection Act 2018.

Expenses and allowances

75. Any Wiltshire Councillor appointed to the Board will be entitled to receive expenses in accordance with the Administering Authority's constitution (Members' Allowance Scheme).

76. The independent governance adviser will be paid in accordance with the contract concluded with the Administering Authority.

77. Allowances and reimbursement of expenses for all non-Wiltshire Councillor members of the Board will be decided by the Administering Authority.

Budget

78. The expenses of the Board falls as a cost to the Fund. Therefore, the Committee will, via its delegation from Full Council, approve the allocation of an annual budget for the Board which is adequate to fulfil its role as part of its budget setting process. The budget will be managed by and at the discretion of the Board. The budget shall allow for:

- a) accommodation and administrative support to conduct its meetings and other business;
- b) training;
- c) legal, technical and other professional advice; and
- d) other contractual arrangements, as approved by Committee as part of the annual budget.

79. The Board may make requests to the Administering Authority's Director of Finance and Procurement to approve any additional expenditure required to fulfil its obligations which will then be charged to the Fund budget.

Functions

80. The first function of the Board is to assist the Administering Authority in securing compliance with the Regulations, other legislation relating to the governance and administration of the Scheme and requirements imposed by the Pensions Regulator in relation to the Scheme. Within the extent of this function the Board may determine the areas it wishes to consider including but not restricted to:

- a) Regular compliance monitoring of reports which shall include reports to and decisions made by the Committee, under the Regulations;
- b) Management, administrative and governance processes and procedures to ensure that they remain compliant with the Regulations, Relevant Legislation and in particular the Code;
- c) The compliance of scheme employers with their duties under the Regulations and Relevant Legislation;
- d) Reviewing such documentation as is required by the Regulations including the Governance Compliance Statement, Funding Strategy Statement and Investment Strategy Statement;

- e) Reviewing scheme members and employers' communications as required by the Regulations and Relevant Legislation;
- f) Monitoring complaints and performance on the administration and governance of the scheme.
- g) The Internal Dispute Resolution Process;
- h) Pensions Ombudsman cases;
- i) The arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme;
- j) The complete and proper exercise of employer and administering authority discretions.
- k) The outcome of internal and external audit reports;
- l) The draft accounts and Fund annual report.

81. The second function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within the extent of this function the Board may determine the areas it wishes to consider including but not restricted to:

- a) Monitor performance of administration, governance and investments against key performance targets and indicators.
- b) Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.
- c) Monitor investment costs including custodian and transaction costs.
- d) Monitor internal and external audit reports.
- e) Review of the risk register as it relates to the scheme manager function of the Administering Authority.
- f) Review the outcome of actuarial reporting and valuations.
- g) Provide advice and make recommendations when required to the Committee on areas that may improve the effectiveness and efficient operation and governance of the Fund.

82. In support of its functions the Board may make a request for information to the Committee regarding any aspect of the Administering Authority's function. Any such request should be complied with where reasonable both in scope and timing.

83. The Board may make recommendations to the Committee which should be considered, and a response made to the Board on the outcome within a reasonable period.

Reporting

84. The Board is accountable solely to the Administering Authority for the operation of its functions.

85. The Board will submit reports to the Committee as often as the Board deems necessary, typically through the minutes of its meetings. The Board should also report its requests, recommendations or concerns to the Committee. In support of this any member of the Board may attend a Committee meeting as an observer.

86. The Board should report any concerns over a decision made by the Committee to the Committee subject to the agreement of at least 50% of voting Board (as detailed in paragraph 60)

87. The Local Pension Board via its annual report will detail its work over the preceding 12 months. Such reports will include;

- a) a summary of the work undertaken since the last report;
- b) the work plan for last year and the programme for the next 12 months;

- c) areas raised to the Board to be investigated since the last report and how they were dealt with;
- d) details of training received since the last report and planned;
- e) details of all expenses and costs incurred over the past 12 months and projected for the next year; and
- f) details of any conflicts of interest identified since the last report and how they were dealt with.

88. On receipt of a report under paragraph 85 and 86 above the Committee should, within a reasonable period, consider and respond to the Board.

89. Where the Board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.

90. Where the Board is satisfied that there has been a breach of regulation which has been reported to the Committee under paragraph 85 and 86 and has not been rectified within a reasonable period the Board is under an obligation to escalate the breach.

91. The appropriate internal route for escalation is to the Administering Authority's Director of Finance and Procurement as the Section 151 Officer.

92. The Board may report concerns to the LGPS Scheme Advisory Board for consideration after, but not instead of, using the appropriate internal route for escalation.

93. Board members are also subject to the requirements to report breaches of law under the Act and the Code and the whistleblowing provisions set out in the Administering Authority's whistleblowing policy.

Review of Terms of Reference

94. These Terms of Reference shall be reviewed on each material change to those parts of the Regulations and relevant scheme guidance covering Local Pension Boards and at least every 5 years.

95. These Terms of Reference were last reviewed on 17th June 2020.

Protocol 2

Last updated 17th June 2020

This page is intentionally left blank

CONSTITUTION FOCUS GROUP

NOTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 14 JUNE 2019 AT SALISBURY ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Richard Britton, Cllr Stuart Wheeler and Mr Michael Lockhart

Also Present:

Cllr Fleur de Rhé-Philippe MBE, Cllr Toby Sturgis and Cllr Fred Westmoreland

28 **Apologies**

An apology was received from Councillor Graham Wright.

29 **Notes of the Previous Meeting**

The notes of the meeting held on 24 May 2019 were received and it was,

Resolved:

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

30 **Protocol 4: Planning Code of Good Practice**

The Focus Group received a revised version of Protocol 4 following their consideration and comments at the meeting on 24 May 2019. The Cabinet Member and Chairmen of the planning committees had been invited to attend the meeting.

The Focus Group made additional comments requesting that ongoing training also be stated to be mandatory within the constitution along with initial training as currently stated. It was noted that Full Council could appoint any member to a committee, but that the lack of proper training of a member could open the council up to legal challenge, and the Monitoring Officer would need to consider the matter carefully in such a situation, and that Group leaders needed to bear this in mind.

Changes were also sought to avoid confusion between discussions between members and others before an application was submitted, and formal pre-application discussions with planning officers. There were also clarifications sought on when members should seek guidance from the Monitoring Officer,

how to draw attention to rules on pecuniary or other relevant interests and the need to provide policy reasons when refusing applications.

The Focus Group agreed a briefing should be made available to all members on the proposals.

Resolved:

To recommend Standards Committee endorse the proposed changes to Protocol 4 to Full Council.

31 **Protocol 12: Arrangements for dealing with Code of Conduct complaints**

The Focus Group considered the final version of the revised Protocol 12 and associated documentation to give effect to the new assessment sub-committee process that had been agreed previously. Further amendments were suggested in relation to requests of extension to the process being unnecessary as this was already possible under the arrangements, and there were other changes to make clear that comments would be received by the investigating officer on their report, who would make changes or incorporate them, prior to providing the report to the monitoring officer.

Resolved:

To recommend Standards endorse the proposals to Full Council.

32 **Part 3B and Protocol 2: Pension Fund Terms of Reference and Pension Board Terms of Reference**

Andy Cunningham, Head of Pensions Administration and Relations presented proposed changes to the terms of reference of the Pension Fund Committee and the Pension Board. It was explained these were intended to bring greater clarity to the expectations for members of each body and the roles they should undertake. This had been prepared following consultation with the Chairman of each body.

The Focus Group members noted the changes and in principle felt the proposals to provide clarity were helpful, although there were concerns regarding overlap in practice between the two bodies, and the limitations on who could nominate employer body representatives to the Pension Board. It was also suggested the expanded Pension Fund terms of reference could be included within Protocol 2, in a separate document, so that terms of reference for both pensions bodies were located in the same areas of the constitution.

It was agreed for there to be further discussions with the Pensions Team before recommending the changes onward.

33 **Part 4: Council Rules of Procedure**

Following queries it was established that there was no legal or constitutional requirement for Full Council to receive a minutes book at each ordinary council meeting. No comments had been raised on the minutes for several years and committees would still be able to report to council, or committee chairmen make an announcement, if they so wished, should the minutes book not be taken to the meetings.

It was agreed to seek the view of Group Leaders as to whether it was necessary to continue to bring the minutes book to Full Council.

34 **Part 3C: Scheme of Delegation (Executive)**

The Focus Group noted the report that it was intended by the Leaders of Swindon Borough Council and Wiltshire Council to disband the Joint Strategic Economic Committee in the light of the new legal status of the Swindon and Wiltshire Local Enterprise Partnership. It was noted that the Leader would make changes to the scheme of delegation accordingly, and that this would be reported to Full Council.

35 **Part 11: Roles and Responsibility of Members**

The Focus Group noted the proposed formatting and numbering changes, and corrections, and accepted the Monitoring Officer making the changes.

36 **Part 11B: Safeguarding Children and Young People Panel**

The Focus Group noted the proposed formatting and numbering changes, and corrections, and accepted the Monitoring Officer making the changes.

37 **Part 12: Members Code of Conduct**

The Focus Group noted the proposed formatting and numbering changes, and corrections, and accepted the Monitoring Officer making the changes.

38 **Part 15: HR Code of Conduct**

The Focus Group noted the proposed formatting and numbering changes, and corrections, and accepted the Monitoring Officer making the changes.

39 **Part 16: Management Structure**

The Focus Group noted the proposed formatting and numbering changes, and corrections, and accepted the Monitoring Officer making the changes.

40 **Urgent Items**

There were no urgent items.

(Duration of meeting: 11.00 am - 12.50 pm)

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

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

Constitution Focus Group

NOTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 15 JANUARY 2020 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Richard Britton, Cllr Jon Hubbard and Cllr Graham Wright

1 **Apologies**

Apologies were received from Councillors Ian Thorn and Stuart Wheeler.

2 **Notes of the Previous Meeting**

The notes of the meeting held on 2 September 2019 were presented for consideration and it was,

Resolved:

To approve and sign the notes as a true and accurate record.

3 **Protocol 2 and Part 3B of the Constitution: Local Pension Board Terms of Reference and Responsibility for Functions (Wiltshire Pension Fund Committee Terms of Reference)**

Following its meeting on 14 June 2019 the Focus Group received updated proposed terms of reference for the Local Pension Board and the Wiltshire Pension Fund Committee.

The Focus Group examined each terms of reference and made a number of suggested amendments to the wording to improve clarity. Revisions were requested in relation to details around delegation to officers or requests made to the Board, references to registers of interest, appointment and confirmation of Chair of the Board, the role of the Investment Sub-Committee, speaking rights, annual reports, appointment of employer representatives and other minor changes.

At the conclusion of discussion, it was,

Resolved:

To receive updated terms of reference taking into account the comments of the Focus Group, at its next meeting.

4 **Part 3B Policy Framework**

The Focus Group received a report proposing a review of Part 3B of the Constitution in respect of the Policy Framework, a list of policies which required approval by Full Council. This included items required by statute to be approved by Full Council and discretionary items which at some point it had been determined should be approved by Full Council.

The list had been reviewed as a number of items were no longer required to be approved by Full Council or had been added to the required list, and it was proposed a number of policy framework items be removed as this was not the most appropriate method for their review and approval.

The Focus Group considered the list, with comments suggesting the Carbon Reduction Strategy should also be approved by Full Council, and discussion of how to develop reviewed policies alongside scrutiny. It was also confirmed that any such strategies required approval by Cabinet prior to confirmation by Full Council.

Resolved:

To request Standards recommend approval of the proposed amendments to Part 3B of the Constitution, and to encourage future reviews of policy framework items to require scrutiny involvement.

5 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.30 - 4.10 pm)

The Officer who has produced these notes 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

Constitution Focus Group

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 17 JUNE 2020 AT ONLINE MEETING.

Present:

Cllr Richard Clewer (Chairman), Cllr Richard Britton, Cllr Jon Hubbard and Cllr Graham Wright

10 **Apologies**

Apologies were received from Councillors Stuart Wheeler and Ian Thorn.

11 **Notes of the Previous Meeting**

The notes of the meeting held on 24 April 2020 were presented for consideration and it was,

Resolved:

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

12 **Pensions Board and Pensions Fund (Part 3B and Protocol 2)**

The Focus Group considered further revisions to terms of reference of the Pension Board and Wiltshire Pension Fund Committee following previous considerations in September 2019 and January 2020.

The Focus Group reviewed the revisions and requested additional changes in relation to reference to registers of interests and codes of conduct. Subject to these and other minor changes, it was

Resolved:

To request Standards Committee recommend the changes to the terms of reference be approved by Full Council.

13 **Urgent Items**

Through the Chair there was a discussion of the details of constitutional decision-making, particularly emergency powers, given the ongoing Covid-19 emergency. It was agreed to undertake a review of the operation of these provisions when practicable, and to raise the issue of wider member

consultation and where possible participation in decisions relating to the return of democratic decision-making in a regular manner.

It was also noted that at its latest meeting the Staffing Policy Committee had approved an updated HR Code of Conduct, which would form Part 15 of the Constitution.

(Duration of meeting: 1230 - 1330)

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

**Recommendations of the Constitution Focus Group: Part 3B of the Constitution
– Policy Framework**

Purpose of Report

1. This report asks the Standards Committee to consider recommendations of the Constitution Focus Group in relation to Part 3B and Protocol 2 of the Constitution including:
 - Paragraphs 1.1 and 1.2 of Part 3B – Policy Framework

Background

2. The Standards Committee has responsibility for oversight of the Council's constitution. It has established a cross party working group, known as the Constitution Focus Group, to advise and assist in carrying out this function.
3. The Focus Group met on 15 January 2020 to review sections of the Constitution set out above, with the notes contained at **Appendix A**.

Main Considerations

4. The Policy Framework is a list of key documents and policies which are required to be approved by Full Council. This is either because it is statutorily required, or by previous decision of Full Council.
5. As legislation and strategies change, the policy framework requires periodic review and updating. A review was therefore undertaken by the Corporate Governance Working Group.
6. The review identified a number of items which were no longer required to be approved by Full Council, or had been added to the required list, and a number of items were proposed to be removed as Full Council approval was not the most appropriate method for their review and approval.
7. The review approach taken was as follows:

Routes to updating the constitution

Six routes to achieving the aim of this work have been identified

- I. Validation of cited legislation and strategies in the constitution as current*
- II. Addition of emerging legislation and strategies to the constitution*
- III. Deletion of redundant legislation and strategies from the constitution*
- IV. Removal of redundant legislation and strategies from the constitution through consultation with the Constitution Focus Group*
- V. Existing or emerging strategies which have not yet been signed off as per the constitution which can either be removed from 3B or signed off correctly*

- VI. *Existing or emerging strategies which may make more sense for full council to sign off*

Items to update by appropriate route

I. Validation of cited legislation and strategies in the constitution as current

- *Emergency plans and civil contingency plans, as required by the Civil Contingencies Act 2004;*
- *Local Transport Plan, as required by the Transport Act 2000;*
- *Local development documents (including supplementary planning documents) which together comprise the Local Development Framework, as required by Planning and Compulsory Purchase Act 2004;*
- *Corporate Equality Plan, pursuant to the Public Sector Equality Duty under s149 of the Equality Act 2010;*
- *Homelessness Strategy, as required by the Homelessness Act 2002;*
- *Licensing Authority Policy Statement, as required by the Licensing Act 2003;*
- *Gambling Act Statement of Principles, as required by the Gambling Act 2005;*
- *Pay Policy Statement, as required by the Localism Act 2011;*
- *Enforcement Policy, as required by the Legislative and Regulatory Reform Act 2006.*
- *Corporate Parenting Policy for Looked After Children and Young People in Wiltshire;*
- *Business Plan*

II. Addition of emerging legislation and strategies to the constitution as statutory plans (rather than under the non-statutory section)

- *Air Quality Strategy, as required by the Environment Act 1995;*
- *Contaminated Land Strategy, as required by Part 2A Environmental Protection Act 1990;*

III. Deletion of redundant legislation and strategies from the constitution

- *Wiltshire Children and Young People's Plan, as required by the Apprenticeships, Skills, Children and Learning Act 2009;*
- *Joint Strategic Assessment of Crime and Policing, as required by the Crime and Disorder Act 1998;*
- *Child Poverty Strategy, as required by the Child Poverty Act 2010;*

IV. Removal of redundant legislation and strategies from the constitution through consultation with the Constitution Focus Group

- *Adult Learning Plan*
- *Customer Access Strategy*
- *Young Carers' Strategy*
- *Adult Care Transformation*
- *Food Safety, Food Standards and Food Law Enforcement Service Plan, as required by the Food Standards Agency*

- *Housing Strategy*

V. Existing or emerging strategies which have not yet been signed off as per the constitution which can either be removed from 3B or signed off

- *Youth Justice Plan, as required by the Crime and Disorder Act 1998; The annual [Youth Justice Plan](#) has currently been signed off by the cabinet member and YOT Board not full council;*
- *Housing Renewal Strategy, as required by the Housing Act 2004; this strategy is currently under development*
- *Corporate Asset Investment Strategy and Corporate Property Strategy; the equivalent of the [Corporate Asset Investment Strategy/ Corporate Property Strategy](#) was signed off by cabinet not full council.*

There is scope to remove these from part 3B or take the documents through full council for sign off.

VI. Existing or emerging strategies which may make more sense for full council to sign off

- *Treasury Management Policy*
- *Capital Investment Strategy*

8. Following the completion of these six routes which was presented to the Focus Group, who also requested the Carbon Reduction Strategy should be included as policy framework item, Part 3B of the constitution would read as below:

*Adopting the following **statutory plans**, strategies and documents as part of the policy framework of the Council:*

- *Emergency plans and civil contingency plans; Civil Contingencies Act 2004*
- *Local Transport Plan; Transport Act 2000*
- *Local Development Framework; Planning and Compulsory Purchase Act 2004*
- *Corporate Equality Plan; Public Sector Equality Duty under s149 of the Equality Act 2010*
- *Homelessness Strategy; Homelessness Act 2002*
- *Licensing Authority Policy Statement; Licensing Act 2003*
- *Gambling Act Statement of Principles; Gambling Act 2005*
- *Pay Policy Statement; Localism Act 2011*
- *Enforcement Policy; Legislative and Regulatory Reform Act 2006*
- *Air Quality Strategy; Environment Act 1995*
- *Contaminated Land Strategy; Part 2A Environmental Protection Act 1990*
- *Housing Renewal Strategy; Housing Act 2004*
- *Youth Justice Plan; Crime and Disorder Act 1998*

*Adopting the following **non-statutory plans**, strategies and documents which also form part of the policy framework of the Council:*

- *Corporate Parenting Policy*

- *Business Plan*
- *Corporate Asset Investment Strategy and Corporate Property Strategy*
- *Treasury Management Policy*
- *Capital Investment Strategy*
- *Carbon Reduction Strategy*

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk Assessment

11. There are no risk issues arising from this report.

Financial Implications

12. There are no financial implications arising from this report.

Legal Implications

13. The recommendations in this report are consistent with the council's duties under relevant legislation.

Public Health Impact of the Proposals

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

Environmental Impact of the Proposals

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

Proposal

16. **To recommend Full Council approve the revisions to Part 3B of the Constitution relating to the Policy Framework as set out at Paragraph 8 of this report**

Ian Gibbons, Director, Legal, Electoral and Registration Services

Report Author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504,
kieran.elliott@wiltshire.gov.uk

Appendices

Appendix A – Constitution Focus Group notes –15 January 2020

Background Papers

[Part 3 of the Constitution](#)

Constitution Focus Group

NOTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 15 JANUARY 2020 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Richard Britton, Cllr Jon Hubbard and Cllr Graham Wright

1 **Apologies**

Apologies were received from Councillors Ian Thorn and Stuart Wheeler.

2 **Notes of the Previous Meeting**

The notes of the meeting held on 2 September 2019 were presented for consideration and it was,

Resolved:

To approve and sign the notes as a true and accurate record.

3 **Protocol 2 and Part 3B of the Constitution: Local Pension Board Terms of Reference and Responsibility for Functions (Wiltshire Pension Fund Committee Terms of Reference)**

Following its meeting on 14 June 2019 the Focus Group received updated proposed terms of reference for the Local Pension Board and the Wiltshire Pension Fund Committee.

The Focus Group examined each terms of reference and made a number of suggested amendments to the wording to improve clarity. Revisions were requested in relation to details around delegation to officers or requests made to the Board, references to registers of interest, appointment and confirmation of Chair of the Board, the role of the Investment Sub-Committee, speaking rights, annual reports, appointment of employer representatives and other minor changes.

At the conclusion of discussion, it was,

Resolved:

To receive updated terms of reference taking into account the comments of the Focus Group, at its next meeting.

4 **Part 3B Policy Framework**

The Focus Group received a report proposing a review of Part 3B of the Constitution in respect of the Policy Framework, a list of policies which required approval by Full Council. This included items required by statute to be approved by Full Council and discretionary items which at some point it had been determined should be approved by Full Council.

The list had been reviewed as a number of items were no longer required to be approved by Full Council or had been added to the required list, and it was proposed a number of policy framework items be removed as this was not the most appropriate method for their review and approval.

The Focus Group considered the list, with comments suggesting the Carbon Reduction Strategy should also be approved by Full Council, and discussion of how to develop reviewed policies alongside scrutiny. It was also confirmed that any such strategies required approval by Cabinet prior to confirmation by Full Council.

Resolved:

To request Standards recommend approval of the proposed amendments to Part 3B of the Constitution, and to encourage future reviews of policy framework items to require scrutiny involvement.

5 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.30 - 4.10 pm)

The Officer who has produced these notes 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

Wiltshire council

Standards Committee

7 July 2020

Local Government Association (LGA) Model Code of Conduct Consultation

Background

1. In accordance with the Localism Act 2011 all councils are required to have a local Member Code of Conduct. Although there is no national Code, bodies such as the LGA have produced model Codes for adoption by councils.
2. On 30 January 2019 the Committee on Standards in Public Life published a report on Local Government Ethical Standards, following a consultation in 2018. The Standards Committee at its meeting on 18 April 2018 had authorised the Monitoring Officer after consultation with the Chairman to prepare a response to the consultation reflecting the Standards Committee's views on behalf of the Council.
3. As reported to the Standards Committee on 1 May 2019 many of the recommendations of the report of the Standards Committee on Standards in Public Life would require legislative changes. The Standards Committee had considered best practice recommendations listed in the report and did not consider amending the council's Code of Conduct was appropriate at that time.
4. The first recommendation of the 30 January 2020 report was that the LGA should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government. Recommendation 20, which would require legislation, was that parish councils should be required to adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code. The Standards Committee at its meeting on 18 April 2018 had also recommended creation of a single national code, or to allow for a single code to be applicable across a principal council area.

Main Considerations

5. The LGA have completed the drafting of a model Code of Conduct. A [consultation](#) on the draft Code is in progress for 10 weeks from **8 June 2020 - 17 August 2020**. The LGA state:

The LGA has committed to reviewing the current model member code of conduct, as recommended by the Committee on Standards in Public Life's report into [Local Government Ethical Standards](#). The LGA held an event on [Civility in Public Life](#) with a range of stakeholders at the end of last year and three consultation workshops at the beginning of this year. Our consultants have also examined examples of good practice, both in local government and other professions.

The LGA [consultation draft model member code of conduct](#) is the result of this initial work. It is the intention to create additional guidance, working examples and

explanatory text. We very much welcome comment on the consultation draft. We would particularly like to know if it stands up to the new ways of working that have been introduced and gives enough of a steer on social media and online activity.

6. The draft model Code of Conduct has been attached at **Appendix A**.
7. The Standards Committee is asked to consider the draft model Code of Conduct and whether and how it wishes to respond to the LGA consultation.
8. The LGA has stated it will accept responses in narrative form from Councils, however the questions in its online consultation are included at **Appendix B** for the information of the Committee only.

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk Assessment

11. There are no significant risks arising from this report

Financial Implications

12. There are no financial implications arising from this report.

Legal Implications

13. There are no legal implications arising from this report

Public Health Impact of the Proposals

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

Environmental Impact of the Proposals

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

Proposal

16. **For the Standards Committee to make such recommendations as it feels appropriate in response to the consultation on the LGA draft model Code of Conduct.**

Ian Gibbons, Director of Legal, Electoral and Registration Services (and Monitoring Officer)

Report author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504,
kieran.elliott@wiltshire.gov.uk

29 June 2020

Appendices

Appendix A – LGA draft Model Code of Conduct

Appendix B – LGA consultation questionnaire

Background Papers

[Report of the Committee on Standards in Public Life on Local Government Ethical Standards 30 January 2019](#)

[Wiltshire Council response to the Review of Local Government Ethical Standards Consultation Webpage](#)

This page is intentionally left blank

Local Government Association Model Member Code of Conduct

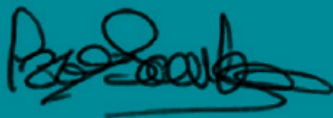
Introduction

The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

As a councillor we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone (in our ward/town/parish), taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This Code, therefore, has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.



Councillor Izzi Seccombe OBE
Leader, LGA Conservative Group



Councillor Nick Forbes CBE
Leader, LGA Labour Group



Councillor Howard Sykes MBE
Leader, LGA Liberal Democrats Group



Councillor Marianne Overton MBE
Leader, LGA independent Group

Purpose

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

Application of the Code

The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting]¹ in [public or in]² your capacity as a member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, [including where you could be deemed to be representing your council or if there are potential implications for the council's reputation.] Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

Model member conduct

In accordance with the public trust placed in me, on all occasions I will:

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of councillor

In undertaking my role, I will:

- impartially exercise my responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently and in the public interest

Specific obligations of general conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.

As a councillor I commit to:

Civility

- 1. Treating other councillors and members of the public with civility.**
- 2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

Bullying and harassment

- 3. Not bullying or harassing any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Impartiality of officers of the council

- 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.**

Officers work for the council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Although you can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Confidentiality and access to information

- 5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**
- 6. Not preventing anyone getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and

printed materials are open to the public except in certain circumstances. You should work on this basis but there will be times when it is required by law that discussions, documents and other information relating to or held by the council are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

7. Not bringing my role or council into disrepute.

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on other councillors and/or your council.

Your position

8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

Use of council resources and facilities

9. Not misusing council resources.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given

to you to help you carry out your role as a councillor more effectively and not to benefit you personally.

Interests

10. Registering and declaring my interests.

You need to register your interests so that the public, council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. Discuss the registering and declaration of interests with your Monitoring Officer/Town or Parish Clerk and more detail is set out in appendix B.

Gifts and hospitality

11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.

12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

You should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you

because you are a member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.

Breaches of the Code of Conduct

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

Example

LGA guidance and recommendations

Internal resolution procedure

Councils must have in place an internal resolution procedure to address conduct that is in breach of the Member Code of Conduct. The internal resolution process should make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention. The procedure should be voted on by the council as a whole.

In the case of a non-criminal breach of the Code, the following escalating approach can be undertaken.

If the breach is confirmed and of a serious nature, action can be automatically escalated.

1. an informal discussion with the monitoring officer or appropriate senior officer
2. an informal opportunity to speak with the affected party/ies
3. a written apology
4. mediation
5. peer support
6. requirement to attend relevant training
7. where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. where of a serious nature, a bar on attending committees for up to two months.

Where serious misconduct affects an employee, a member may be barred from contact with that individual; or if it relates to a specific responsibility of the council, barred from participating in decisions or information relating to that responsibility.

Endnotes

1. CSPL recommend that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.
2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”
3. Subject to footnotes 1 and 2 above
4. See CSPL website for further details www.gov.uk/government/news/the-principles-of-public-life-25-years
5. ACAS’s definition of bullying

Appendices

Code Appendix A

The principles are :

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Code Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

Declaring interests

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 .
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
Any Body—	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	



Local Government Association

18 Smith Square
London SW1P 3HZ

Telephone 020 7664 3000

Fax 020 7664 3030

Email info@local.gov.uk

www.local.gov.uk

© Local Government Association, May 2020

For a copy in Braille, larger print or audio,
please contact us on 020 7664 3000.
We consider requests on an individual basis.

Application of the Code

Under the Localism Act 2012, the Code of Conduct applies to councillors only when they are acting in their capacity as a member. The LGA believes that because councillors are elected by the public and widely recognised by the public, it makes sense for them to continue to model these behaviours when they are making public comment, are identifying as a councillor and when it would be reasonable for the public to identify them as acting or speaking as a councillor. The Committee on Standards in Public Life supported this approach in their report into Local Government Ethical Standards. Whilst the LGA is waiting for Government's response to these recommendations the option has been added in square brackets as it would need changes in legislation.

Q1. To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?

To a great extent

To a moderate extent

To a small extent

Not at all

Don't know/prefer not to say

Q1a. If you would like to elaborate on your answer please do so here:

Q2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?

Yes	<input type="radio"/>
No	<input type="radio"/>
Don't know	<input type="radio"/>

Q3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

Personal tense ("I will")	<input type="radio"/>
Passive tense ("Councillors should")	<input type="radio"/>
No preference	<input type="radio"/>

Q4

Specific obligations

The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to.

Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important.

Q4. To what extent to you support the 12 specific obligations?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
1. Treating other councillors and members of the public with civility.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Not bullying or harassing any person.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Not preventing anyone getting information that they are entitled to by law.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Not bringing my role or council into disrepute.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Not misusing council resources.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Registering and declaring my interests.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q5. If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:

Q6. Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?

As a list	<input type="radio"/>
Each specific obligation followed by its relevant guidance	<input type="radio"/>
No preference	<input type="radio"/>

Q7. To what extent to you think the concept of 'acting with civility' is sufficiently clear?

To a great extent	<input type="radio"/>
To a moderate extent	<input type="radio"/>
To a small extent	<input type="radio"/>
Not at all	<input type="radio"/>
Don't know/prefer not to say	<input type="radio"/>

Q7a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

Page 90

Q8. To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?

To a great extent	<input type="radio"/>
To a moderate extent	<input type="radio"/>
To a small extent	<input type="radio"/>
Not at all	<input type="radio"/>
Don't know/prefer not to say	<input type="radio"/>

Q8a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

Q9. To what extent do you support the definition of bullying and harassment used in the code in a local government context?

To a great extent	<input type="radio"/>
To a moderate extent	<input type="radio"/>
To a small extent	<input type="radio"/>
Not at all	<input type="radio"/>
Don't know/prefer not to say	<input type="radio"/>

Q9a. If there are other definitions you would like to recommend, please provide them here.

Registration and declarations of interests

The law at present requires, as a minimum, registration and declaration of ‘Disclosable Pecuniary Interests’ - that is matters which directly relate to the councillor and their partner if applicable.

The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in **Appendix B** of the Code.

Q11. To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?

To a great extent	<input type="radio"/>
To a moderate extent	<input type="radio"/>
To a small extent	<input type="radio"/>
Not at all	<input type="radio"/>
Don't know/prefer not to say	<input type="radio"/>

Q11a. If you would like to elaborate on your answer please do so here:

Q12. Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?

In the main body of the code	<input type="radio"/>
In the appendix	<input type="radio"/>
Other (please specify below)	<input type="radio"/>
<input type="text"/>	
Don't know/prefer not to say	<input type="radio"/>

Q12a. If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code please do so here:

<input type="text"/>

It is also suggested that more outside interests should be registered than is the current statutory minimum. These are set out in **Table 2 of the Appendix** and are designed to demonstrate to the community transparency about other bodies with which the councillor is engaged.

Q13. To what extent do you support the inclusion of these additional categories for registration?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Any organisation, association, society or party directed to charitable purposes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q13a. If you would like to propose additional or alternative categories for registration, please provide them here:

Q14. To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?

To a great extent	<input type="radio"/>
To a moderate extent	<input type="radio"/>
To a small extent	<input type="radio"/>
Not at all	<input type="radio"/>
Don't know/prefer not to say	<input type="radio"/>

Q14a. If you would like to elaborate on your answer please do so here:

--

Q15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?

Yes	<input type="radio"/>
Yes, but the amount should be reviewed annually with the code's review	<input type="radio"/>
No, it should be lower (please specify amount)	<input type="radio"/>
No, it should be higher (please specify amount)	<input type="radio"/>
Don't know/prefer not to say	<input type="radio"/>

Q16. The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.

- Regularly updated examples of case law
- Explanatory guidance on the code
- Case studies and examples of good practice
- Supplementary guidance that focuses on specific areas, e.g., social media
- Improvement support materials, such as training and e-learning packages

Q16a. If you would like to suggest any other accompanying guidance please do so here:

Q17. If you would like to make any further comments about the code please so here: