

# AGENDA

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**Meeting: Standards Committee**

**Place: Council Chamber, County Hall, Trowbridge, BA14 9JG**

*Please see text in red below for details of what to expect if wishing to attend this meeting in person.*

**Date: Tuesday 15 June 2021**

**Time: 2.30 pm**

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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](mailto: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](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Paul Oatway QPM (Chairman)  
Cllr Allison Bucknell (Vice-Chairman)  
Cllr Andrew Davis  
Cllr Matthew Dean  
Cllr Ruth Hopkinson  
Cllr Bill Parks

Cllr Sam Pearce-Kearney  
Cllr Pip Ridout  
Cllr Mike Sankey  
Cllr Iain Wallis  
Cllr Derek Walters

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## Substitutes:

Cllr Richard Britton  
Cllr Trevor Carbin  
Cllr Ernie Clark  
Cllr Howard Greenman  
Cllr Jon Hubbard

Cllr Mel Jacob  
Cllr Gordon King  
Cllr Kathryn Macdermid  
Cllr Dr Nick Murry  
Cllr Graham Wright

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## **Covid-19 safety precautions for public attendees**

To ensure COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place. **You must contact the officer named on this agenda no later than 5pm on 1 June if you wish to attend this meeting.** Places

will be allocated on a first come first served basis.

To ensure safety at the meeting, all members of the public are expected to adhere to the following public health arrangements to ensure the safety of themselves and others:

- Do not attend if presenting symptoms of, or have recently tested positive for, COVID-19
- Wear a facemask at all times (unless due to medical exemption)
- Maintain social distancing
- Follow any one-way systems, signage and instruction

Where it is not possible for you to attend due to reaching the safe capacity limit at the venue, alternative arrangements will be made, which may include your question/statement being submitted in writing.

## **Recording and Broadcasting Information**

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# AGENDA

## 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 of Previous Meetings (Pages 7 - 20)**

To confirm the minutes of the meeting of the Standards Committee held on 14 April 2021.

To receive the minutes of the meeting of the Hearing Sub-Committee held on 7 April 2021.

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**

The Council welcomes contributions from members of the public, however, to ensure Covid-19 public health guidance is adhered to, physical attendance at this meeting will be limited. Please contact the officer named on this agenda no later than 5pm on 11 June 2021 if you wish to attend this meeting.

Where it is not possible for you to attend due to reaching the capacity limit, alternative arrangements will be made which may include your question/statement being submitted in writing.

### Statements

If you would like to make a statement at this meeting on any item on this agenda, please contact the officer named on the front of the agenda no later than 5pm on 11 June 2021.

### 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 8 June 2021 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 10 June 2021. 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** (Pages 21 - 24)

To receive a report from the Monitoring Officer.

7 **Standards Assessment Sub-Committee** (Pages 25 - 28)

To appoint the membership of the Standards Assessment Sub-Committee.

8 **Constitution Focus Group** (Pages 29 - 32)

To consider re-establishment of the Constitution Focus Group.

9 **Updates to the Constitution** (Pages 33 - 42)

To receive a report on proposed updates to the Constitution.

10 **Date of the Next Meeting**

To confirm the date of the next meeting as 22 July 2021.

11 **Urgent Items**

Any other items of business which the Chairman agrees to consider 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*

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### Standards Committee

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#### MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 14 APRIL 2021 AT ONLINE.

##### Present:

Cllr Richard Britton, Cllr Derek Brown OBE, Cllr Andrew Bryant, Cllr Ernie Clark, Cllr Peter Evans, Cllr Peter Fuller, Cllr Paul Oatway QPM (Chairman), Cllr Fred Westmoreland, Cllr Stuart Wheeler, Mr Richard Baxter, Mr Philip Gill MBE and Mr Michael Lockhart

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#### 31 Apologies for Absence

Apologies were received from Councillors Howard Greenman and Ruth Hopkinson.

#### 32 Minutes of the Previous Meeting

The minutes of the meeting held on 4 February 2021 and the minutes of the Hearing Sub-Committee held on 17 March 2021 were presented for consideration. It was noted that the Hearing Sub-Committee had been an unusual case where a Review Sub-Committee had recommended the Hearing go ahead even though the Subject Member had resigned as a parish councillor.

It was then,

##### Resolved:

**To approve and sign the minutes of the meeting on 4 February 2021 as a true and correct record.**

**To receive the minutes of the Hearing Sub-Committee held on 17 March 2021.**

#### 33 Declarations of Interest

There were no declarations.

#### 34 Chairman's Announcements

Through the Chair there were the following announcements:

To note that a further Hearing Sub-Committee was held on 7 April 2021, which resolved that no breach had occurred in that case. The Chairman commented that this was third Hearing in the past year, after four years without a Hearing being held.

To note that the Constitution, in particular Part 2, would be updated to reflect recent changes to the Senior Officer Management Structure.

To note that the Monitoring Officer, Ian Gibbons, would be retiring from the Council in May 2021 after 33 years' service. The Chairman paid tribute to the advice, support and hard work Ian had provided across many years, with further tributes made at the end of the meeting.

35 **Public Participation**

There were no questions or statements submitted.

36 **Recruitment of Independent Persons**

At its meeting on 7 October 2020 the Committee delegated to the Monitoring Officer in consultation with the Chairman arrangements for the recruitment of three Independent Persons appointed under s28(7) of the Localism Act to assist with the determination Code of Conduct complaints.

The Chairman detailed that an advertisement had taken place in February-March 2021, and there had been a significant number of applications for the positions, many of high quality.

Nine applicants had been interviewed, and the Chairman thanked Councillors Richard Britton and Stuart Wheeler for sitting on the interview panel, and to Ian Gibbons, Monitoring Officer, and Caroline Baynes, current Independent Person, for supporting that process.

The panel recommended the appoint of three applicants, and the Committee's endorsement was sought to make that recommendation to Full Council for terms beginning in May 2021.

The Chairman also expressed thanks to the Independent Persons who had not sought reappointment after serving two terms, Caroline Baynes and Stuart Middleton, and would write a letter of appreciation on behalf of the Committee.

At the conclusion of discussion, it was,

**Resolved:**

**To recommend that Council appoint the following candidates as Independent Persons:**

**Patricia Bunche  
Tony Drew  
Damian Kearney**



37 **Urgent Items**

The Chairman led tributes to the Monitoring Officer, Ian Gibbons, who would be retiring in May after 33 years' service with the Council. Members gave deep thanks to Mr Gibbons for his hard work, patience and support particularly to Members ever since the Unitary Council had been formed in 2009, and his service beforehand, wished him very well in his well-earned retirement.

The Chairman also took the opportunity to note that the advertisement for the four co-opted member positions would be public shortly, and expressed his thanks to the existing co-opted members, particularly for their assistance with Code of Conduct complaints: Richard Baxter, Philip Gill MBE, Michael Lockhart and Pam Turner.

(Duration of meeting: 10.00 - 10.15 am)

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

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## Standards Hearing Sub-Committee

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### MINUTES OF THE STANDARDS HEARING SUB-COMMITTEE MEETING HELD ON 7 APRIL 2021 AT ONLINE MEETING.

#### **Present:**

Cllr Trevor Carbin, Cllr Peter Fuller, Mr Philip Gill MBE (non-voting) and Cllr Fleur de Rhé-Philippe MBE

#### **Also Present:**

Emma Holliday (Investigating Officer), Frank Cain (Barrister, Head of Legal Services – representing the Investigating Officer), Peter Gantlett (Subject Member), Andrew Fraser-Urquhart QC (Representing Subject Member), Chris Rickett (Complainant), Kieran Elliott (Senior Democratic Services Officer), Paul Barnett (Acting Team Leader, Public Law and Compliance), Caroline Baynes (Independent Person)

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#### **6 Election of Chairman**

Nominations for a Chairman of the Standards Hearing Sub-Committee were sought, and it was

#### **Resolved:**

**To elect Councillor Fleur de Rhé-Philippe MBE as Chairman for this meeting only.**

#### **7 Declarations of Interest**

There were no declarations.

#### **8 Meeting Procedure**

Introductions were made of those present. The procedure for the meeting as set out Paragraph 8 of Protocol 11 of the Constitution was noted.

#### **9 Exclusion of the Press and Public**

It was,

#### **Resolved:**

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Minute Number 10 onwards because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act**

**and the public interest in withholding the information outweighs the public interest in disclosing the information to the public**

10 **Determination of Code of Conduct Complaint COC128187 Regarding Councillor P Gantlett, Clyffe Pypard Parish Council**

The Hearing was in relation to complaint COC128187 by Mrs Chris Rickett (the Complainant) regarding the alleged conduct of Councillor Peter Gantlett of Clyffe Pypard Parish Council (the Subject Member).

In addition to the agenda papers three bundles of documentation agreed by the legal representatives for the Investigating Officer and the Subject Member were referred to throughout the Hearing, referencing relevant law, issues and possible agreed facts, and additional supporting evidence.

Investigating Officer

Frank Cain, Barrister, Head of Legal Services, presented on behalf of the Investigating Officer, Emma Holliday.

The complaint allegations concerned accusations that the Subject Member in his dealings with the Complainant in relation to the Neighbourhood Plan Steering Group had been verbally aggressive and rude to her in the ways set out in detail in the complaint. The Complainant had referred to a number of incidents since she became a member of the Steering Group a number of years ago and continuing until the time of the complaint, where she says that the Subject Member had belittled her and engaged in other behaviour that she believed amounted to bullying.

It was alleged that this behaviour amounted to a breach of the Parish Council Code of Conduct in respect of the following provisions:

- *He/she shall behave in such a way that a reasonable person would regard as respectful.*
- *He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory*

Mr Cain introduced the findings of the Investigating Officer and the supporting papers. He highlighted the nature of the steering group made up both of elected members and lay representatives, the provisions of the relevant Code of Conduct in respect of bullying and disrespect, the experience of the Subject Member, whether there was a pattern of behaviour, even if not intended, which a reasonable person would regard as bullying or disrespectful, the different perceptions of different observers, and that it was for the Sub-Committee to make a decision on the balance of probabilities.

The first witness called was the Complainant, Chris Rickett, who detailed her experiences on the steering group with the Subject Member, how she had been upset and felt humiliated by some of his actions including taking over assigned tasks, how she had raised her feelings and concerns and that it had been minuted that he would make an apology, which she had never received.

Andrew Fraser-Urquhart QC, representing the Subject Member, then questioned Mrs Rickett as a witness. He sought details on when she had determined to make a complaint, her description of the actions of the Subject Member as a 'campaign of nasty bullying' and allegations of being shouted at and whether this was detailed in other papers, her communications with the Subject Member on other occasions, particularly involving a questionnaire document, related matters with the parish council and the progress of attempted mediation between the parties.

The next witness called was Alan Glasspool, who confirmed the statement he had provided to the Investigating Officer which had supported the allegations of the Complainant.

Mr Fraser-Urquhart QC then questioned the witness, seeking details of the extent of polarisation within the village over some local issues, the role of the Subject Member within the steering group, whether some of the concerns raised by the Complainant had been formally recorded or supported by official documents and whether any actions that had occurred had been isolated incidents.

The next witness called was Nick Kirton, who confirmed the statement he had provided to the Investigating Officer as detailed in the papers. There were no questions.

The next witness called was Marian Kent, who confirmed the statement she had provided to the Investigating Officer. Mr Fraser-Urquhart QC sought details including whether she had had cause to complaint about the Subject Member given her comments about his manner, and she set out a previous instance of concern she had raised with the local Unitary Member but not raised as a formal complaint due to other commitments.

In accordance with procedure the Complainant, Chris Rickett, then made a statement.

Members of the Sub-Committee then raised questions in relation to witness statements on the Complainant's experiences of the steering group.

#### Subject Member

Mr Fraser-Urquhart QC, on behalf of the Subject Member, Cllr Peter Gantlett, then made representations. He sought clarity on concluding statements, and it was confirmed that both Complainant and Subject Member, as parties, could make concluding statements in accordance with procedure. Mr Cain reserved the right of reply should a matter not previously raised be made during representations.

Mr Fraser-Urquhart QC called the Subject Member as a witness. During questioning by his representative, he stated he had not been interviewed by the Investigating Officer and that there had been two complaints running in parallel. He provided detail on the process for developing a neighbourhood plan and

how this could lead to disagreements and how as Chairman of the Parish Council he had sought to assist things. It was stated he is not a loud or sometimes clear speaker, and disagreed with the allegations that he had ever been verbally aggressive or shouted during any meeting, and had not had any sense from the Complainant that they had felt upset. He disputed accounts that he had taken over tasks and had only sought to assist with the overall process and noted a separate complaint COC128184 from Dr Guy Rickett which had not determined a breach. He provided detail of tasks of the steering group, who had been assigned and his attempts to be helpful given worries around delays to the process. He stated he had felt attacked by accusations but was willing to meet with the Complainant and apologise, but thought this would be inappropriate once the formal complaint had been raised. He stated he had been willing to undertake mediation, but his impression was the Complainant had not been willing. He noted his near 30 year involvement with the parish, and how councils work through persuasion, and that he had not and did not engage in bullying campaigns, nor had he singled out the Complainant in any way.

Following a break from 1245-1330, questions were asked of the witness. Mr Cain sought details of how long the Subject Member had been a parish councillor (around 20 years, during which he had been Chairman for over ten years), and other community involvement he had had. In response to questioning, the Subject Member said he could not find an email listed in papers regarding the Complainant raising concerns with his tone and manner early in the steering group process. Details were sought on the council's Code, and how the council worked with others, and the status of the Subject Member as an experienced member, and if he had considered the impact of his communications. Details were sought on the matter of a draft survey task assigned to the Complainant, on which the Subject Member had sought feedback from others and presented to the steering group by email. It was also confirmed the Subject Member had not apologised to the Complainant, as he did not feel he should act outside the process.

Questions from the Sub-Committee to the Subject Member were taken after the next witness, seeking detail on mediation attempts, whether there had been impatience driving any actions, and the offering of an apology.

The next witness called was Chris Thompson, who confirmed his statement and that he had worked with the Subject Member over a number of years, and did not recognise the description of him as shouting or belittling. Mr Cain then raised some questions clarifying the level of contact with the Investigating Officer.

The next witness called was Edmund Rudler, who confirmed his statement and that he had never known the Subject Member to shout or make alleged comments about the quality of the Complainant's work. He stated he had not shared the concerns raised by Mr Glasspool, which he had felt was an overreaction, and did not recollect that there had been a campaign of bullying by the Subject Member in any way.

The next witness called was Rosemary Greenway, who confirmed her statement as detailed in the papers. She stated the Subject Member spoke plainly at times, but had not shouted as alleged, nor been rude or patronising, and did not believe there had been a bullying campaign by the Subject Member, who she had known for 30 years.

The Sub-Committee sought clarification on a comment regarding the Subject Member opening a meeting, although he had not been in the Chair.

The next witness called was Diane Zeitsen, who was the clerk to the parish council for the last 3 years. She confirmed her statement and the accuracy of minutes she had produced referred to in the papers, which had been approved unanimously by the council. Although not attending the steering group, in response to questions from Mr Fraser-Urquhart QC she said she had not seen the Subject Member act in such a way and that he had been a pleasure to work with as clerk.

Mr Cain sought confirmation the witness had not attended the steering group and so no direct knowledge of the relationship between the Complainant and Subject Member, which was agreed.

A break was then taken from 1445-1505

#### Concluding Statements

Mr Cain set out the facts as he saw them, with three key areas on 13 February 2018, 13 August 2019 and 24 February 2020, which had caused upset to the complainant and prompted her to action. He noted people could have a different perception of events, but highlighted that the Complainant had been new to the processes and communicated her perceptions to the Subject Member. He drew attention to the ability under the complaints arrangements to settle matters informally, including by making an apology, and therefore it was not inappropriate for someone to apologise if they had indicated they were willing to do so as the procedure did not prevent this.

He noted the Complainant's perceptions of being bullied, and that it was for the Sub-Committee to determine whether the alleged actions were likely to have happened and whether a reasonable person observing such a pattern of behaviour

would regard that pattern of behaviour as bullying. Mr Cain considered the evidence indicated there had been a breach of the Code regarding disrespect and bullying. He again reserved the right of reply to any new legal arguments.

Mrs Rickett, as Complainant, then made a concluding statement. She was disappointed to listen to several witnesses, including the clerk, who were not related to the case in terms of seeing the interactions between the parties. She stated she had told the truth as she saw it, and noted that not all witnesses had been asked if they had heard the Subject Member shout, and considered several points raised on parish council matters, and her husband who was on the parish council, did not relate to her complaint regarding bullying. She discussed the attempt at mediation and her concerns on a lack of sincerity. She

claimed that it was suggested that because she did not raise every single concern that the bullying did not occur, when it was hard to admit when you were being bullied and she had tried to deal with it as best she could. She countered the portrayal by the Subject Member as the mild-mannered victim and highlighted definitions of bullying and way his behaviour had made her feel. She concluded that he needed to realise his behaviour had been unacceptable and should not be tolerated.

Mr Fraser-Urquhart QC then made a concluding statement on behalf of Cllr Gantlett. He highlighted the test of what a reasonable person would think of the events, and that bullying and disrespect was more than merely disagreeing or expressing displeasure. He raised that the burden of proof rested with the Investigating Officer to demonstrate the alleged actions had occurred. He considered the balance of probabilities was the required test, and that this was flexible, in the more serious an allegation, the more certain one needed to be on the evidence. He stated an allegation of nasty bullying needed to be pretty certain. He detailed what he considered the generalised nature of the allegations, and that he considered it significant a formal complaint was not raised earlier. With the more detailed allegations such as the shouting he pointed to witness statements and that other evidence in statements did not support the allegations. He did not consider the actions in respect of 'road testing' a survey assigned to the Complainant to have been an act of disrespect as a reasonable person would view it, and stated the Subject Member had not wanted to apologise and prejudice his position given the complaint, but said he had been willing to seek mediation. He concluded that this was a case of someone trying to help to get things done and no reasonable person could regard it as bullying.

Mr Cain exercised his right of reply on the standard of proof and stated there was no sliding scale for more serious evidence for more serious allegations. The balance of probabilities, that something was more likely than not, remained an unvaried standard in law.

Mr Fraser-Urquhart QC sought to respond further, but the Chairman ruled that Mr Cain had made his right of reply on a previously unraised legal point and it was not appropriate for further statements from the other party.

The Hearing Sub-Committee then withdrew at 1610.

### Deliberations

Following the concluding statements, and having heard from the parties, their witnesses, and their representatives in accordance with the agreed procedure, including a statement from the Complainant, the Sub-Committee withdrew, together with the Independent Person, the representative of the Monitoring Officer, and other supporting officers.

The Independent Person was consulted throughout the process and her contributions were taken into account by the Sub-Committee in reaching their decision.



The Hearing was then resumed at 1700 at the conclusion of deliberations, and the decision of the Sub-Committee was announced to the parties and their representatives as detailed below.

**Decision:**

**Having considered all relevant matters, including the complaint, the Investigating Officer's report, the submissions made on both sides as detailed in the agenda papers and agreed supplementary documentation, testimony from witnesses, and the statement of the complainant, the Sub-Committee concluded the following:**

***From the submissions during the Hearing it was apparent that the Complainant felt genuine upset at a number of actions of the Subject Member over a period of time, and that some of the actions of the Subject Member had shown a degree of abruptness that had contributed to that upset felt by the Complainant.***

***However, the Sub-Committee considered on the balance of probabilities that the evidence presented did not support a finding that the actions of the Subject Member as viewed by a reasonable person had risen to the level of a breach of the Code of Conduct as a matter of bullying or disrespect.***

**The Hearing Sub-Committee therefore determined to take no further action in respect of the complaint.**

**Reasons for Decision:**

The complaint had arisen following an extended period of involvement between the parties in a Neighbourhood Plan Steering Group set up at the request of Clyffe Pypard Parish Council. The Subject Member was a Member of the Steering Group and Chairman of the Parish Council, but not Chairman of the Steering Group. The Complainant was a lay person appointed to the Steering Group as part of the process to help provide community input into development of a Neighbourhood Plan.

The Complainant had detailed concerns regarding the Subject Member's treatment of her as a matter of general conduct from the beginning of her involvement with the Steering Group. These concerns taken together with a series of other actions and behaviours had culminated in her belief that it was necessary to make a formal complaint.

Particulars of behaviours giving rise to the complaint had included allegations of disrespectful and belittling comments, and disregard of and supplanting of the work assigned to the Complainant as part of the Steering Group process. It was alleged that these behaviours rose to a level which would be a breach of the Clyffe Pypard Code of Conduct.

The Clyffe Pypard Code of Conduct included specific provisions relating to Members behaving in such a way that a reasonable person would regard as respectful, and not acting in such a way that a reasonable person would regard as bullying or intimidatory.

The documentation provided by the legal representatives submitted that respect could involve a pattern or course of conduct over time, and the complaint was submitted within the timescales provided by the Code of Conduct Complaints Procedure in relation to that alleged pattern. It was also submitted that the intention of the Subject Member was not relevant in determination of a breach as a result of disrespect, though may be relevant as to mitigation if a breach were found.

It was therefore for the Sub-Committee to consider the following issues:

*Did the Subject Member by his demeanour, behaviour or actions whilst attending to steering group business/meetings show a pattern of behaviour towards the Complainant which a reasonable person would regard as not respectful?*

*Did the Subject Member by his demeanour, behaviour or actions whilst attending to steering group business/meetings show a pattern of behaviour towards the Complainant which a reasonable person would regard as bullying?*

There was no question that the Complainant had, as a result of the demeanour, behaviour and actions of the Subject Member, sincerely felt disrespected and even bullied over the course of her involvement with the Steering Group. She had stated that as a result of the actions and behaviours which led to her making a complaint, she had changed her behaviour and input with the community, including involvement with the Steering Group.

The Subject Member maintained that there had been no pattern of disrespect or bullying, and that his long association with the parish council demonstrated adherence to appropriate behaviour in public office and as a member of the community. He disputed the account of the Complainant and her supporting witnesses and called a number of his own supporting witnesses for their account of specific incidents, to show he had not been bullying or disrespectful.

In considering the totality of the evidence as presented, including the witness testimonies and questioning, the Sub-Committee were not satisfied that there were sufficient grounds to consider that the behaviour of the Subject Member had risen to a level that could be considered bullying and which would amount to a breach of the Code of Conduct.

Although it recognised that some of the demeanour and conduct of the Subject Member had upset the Complainant, the Sub-Committee did not consider a reasonable person observing the pattern of behaviour would conclude this amounted to a campaign of bullying. Nor did they consider that any of the separate incidents or behaviours alleged were sufficiently egregious so as to amount to bullying if considered individually. This was particularly the case

given that the evidence supporting the most significant allegations was contested and could not, in the view of the Sub-Committee, be proven to a satisfactory degree to warrant the finding of a breach.

The Sub-Committee considered that a stronger case had been made that the demeanour, behaviour and actions of the Subject Member, might amount to a level of disrespect that constituted a breach of the Code of Conduct. Although the Subject Member strongly rejected that this had ever been his intention, the Sub-Committee could understand the conclusion of the Investigating Officer that his pattern of behaviour during the operation of the Steering Group had amounted to disrespect, given his style of communication and alleged unilateral actions, which some had described as difficult or rude. This was particularly relevant when considering the relative status of the parties, with the Complainant a lay member unfamiliar with parish council or committee-like processes, and the Subject Member a leading and experienced member of the parish council, very active in many local matters, who could be perceived as having an influence on how others should be treated.

Nevertheless, having considered the submissions made at the Hearing, including from witnesses in relation to some of the specific alleged incidents involving alleged shouting, denigration and the taking over of tasks and contrasting this with the interpretations of the Complainant, on balance of probabilities the Sub-Committee was not satisfied that it was the case the Subject Member's behaviour demonstrated a wilful disrespect of the Complainant. Nor that taken together or individually the matters as alleged, though genuinely upsetting to the Complainant, had risen to a level whereby a reasonable person would regard those behaviours and actions as sufficient to merit a finding of disrespect.

Whilst not dismissing the genuine feelings of the Complainant, in considering the totality of evidence on the balance of probabilities in relation to the alleged pattern of behaviour and series of incidents, particularly the more serious allegations, the Sub-Committee therefore did not agree with the Investigating Officer's conclusion that the Subject Member, intentionally or otherwise, had behaved in a manner which rose to the level of a breach of the Code of Conduct as it amounted to respect.

Accordingly, with both issues of bullying and respect addressed, the Hearing Sub-Committee determined that no breach of the Code had taken place.

**Additional Comments from the Independent Person:**

I wanted to acknowledge the time that the complaint took to be heard and the negative effect that has likely had on both parties. I know that these have been very trying circumstances and that the investigation was lengthy and that the delay has been unavoidable.

I am fully satisfied that the difficult case has had a full airing and that both parties had the opportunity to have their views heard.

Finally, I also wanted to acknowledge the contribution to community life that both parties have made and hope that this can continue now that the complaint has been concluded

(Duration of meeting: 9.05 am - 5.10 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](mailto:kieran.elliott@wiltshire.gov.uk)

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

## Wiltshire Council

### Standards Committee

15 June 2021

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#### 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 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 consider the complaint and prepare a report for the Assessment Sub-Committee (ASC). The Monitoring Officer (MO) 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 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 substantial 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.
7. 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.

8. There is no right of appeal of the decision of the Assessment Sub-Committee or the Hearing sub-committee.
9. The 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.

#### Summary of Committee Meetings

10. In line with other committees of the council, during the coronavirus situation meetings of the Standards Committee, Review Sub-committee and Assessment sub-committee have taken place online. The last Standards Committee took place on 14 April 2021. This was a single agenda item meeting to recommend to Council the appointment of three Independent Persons (Patricia Bunche, Tony Drew, Damian Kearney) following a selection process undertaken by the committee.
11. The last full agenda meeting of the Standards Committee was on 4 February 2021. Since that meeting there have been three online meetings of the Standards Assessment sub-committee. There has also been one online meeting of the Standards Review Sub-Committee and two online meetings of the Standards hearing Sub-Committee. The outcome of these meetings was as follows:

#### Standards Assessment Sub Committee

- 11 February 2021 - Two matters were dealt with. One matter was determined No Further Action on the recommendation of the Monitoring Officer following his consideration of an Investigation Report. With the other matter the committee noted the determination of the Monitoring Officer that it could be dealt with by way of alternative resolution (training);
- 25 March 2021 – Four matters were determined No Further Action and one matter was referred for Investigation;
- 22 April 2021 – One matter was dealt with. The committee determined that it was not in the public interest to investigate the matter so referred at the 25 March committee meeting and it was therefore determined to take No Further Action in respect of that complaint;

#### Standards Review Sub-Committee

- 11 February 2021 – One matter was considered. As there had been a material change in circumstances (the subject member had resigned) the committee reviewed their decision of 10 December 2020 to refer the matter to a hearing sub-committee. However, the committee determined that it remained in the public interest to refer the complaint to the Hearing Sub-Committee.

#### Standards Hearing Sub-Committee

- 17 March 2021 – The above matter (11 February 2021) was heard. The committee determined that although it considered that a breach of the Code of Conduct had occurred, no further action be taken. The reasoning for this was that the subject member had resigned and had previously made expressions of apology. The Hearing Sub-Committee considered that the Subject Member had in effect met or exceeded any possible available sanctions which might be recommended to the Parish Council. It was therefore not appropriate or proportionate to recommend any further sanction be upheld by the Parish Council.

- 7 April 2021 – One matter was considered, and the committee determined to take No Further Action in respect of the complaint.

12. Summary of complaints received since 4 February committee meeting (some of which will have been included above)

Between 4 February 2020 and 1 June 2020, the Monitoring Officer received 19 complaints under the Code of Conduct. A summary of the number of cases received each month is attached at **Appendix 1**.

13. Of the 19 cases received 3 were discontinued as they did not amount to complaints, 13 were determined as No Further Action, 2 cases are pending completion of the Assessment Report and one is pending assessment by the Assessment Committee itself. None were referred for investigation.

Determinations on matters received since 4 February 2021

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

In the period since the last meeting eleven matters have been so determined by the Monitoring Officer or his representatives.

II. No Further Action

In the period since the last meeting, the Assessment sub-committee have determined that no further action be taken on 2 matters (from February 2021).

III. Investigations

In the period since the last meeting, there have been no determinations by the Assessment Sub-Committee that investigations should take place.

14. Members should also note that out of a total of eighty-nine complaints received between January 2020 and May 2021 thirty-one have been resolved by the screening process under 4.6. This amounts to 34.83 % of complaints. A further 20 have been withdrawn, discontinued or have not amounted to Code of Conduct complaints.

Types of Complaint

15. The 19 complaints received since 4 February 2021 can be broken down as follows:

- 8 matters were complaints against Wiltshire Councillors – these complaints consisted of 2 regarding electioneering practices (found NFA by MO), one regarding non-attendance at parish council meetings (found NFA by ASC), one regarding failure to respond to emails (found NFA by MO), one regarding misleading information given at a meeting (found NFA by MO), one regarding bias over a planning issue (at assessment report stage) and 2 regarding the behaviour of members in relation to a planning matter (not pursued);
- 4 were complaints against Town Councillors – these complaints consisted of 2 regarding social media posts (found NFA by MO), one regarding lack of consultation on a planning matter (out of time) and one concerning the tone taken in an email (at assessment report stage);
- 7 were complaints against Parish Councillors – these consisted of 3 regarding entries on the Register of interests (found NFA by MO), one regarding election practises (found NFA by MO), one regarding the misspelling of a person's name (found NFA by MO), one regarding bias and victimisation in respect of planning

applications (awaiting ASC), and one regarding false and misleading statements being made in a meeting (found NFA by ASC).

### Dip Sampling

16. A table of current cases was provided to the committee chair at the end of April for a dip sample of cases to be undertaken to enable oversight. It is hoped that now the election period has passed this can be taken forward by the new chair and repeated on a regular basis. Future status reports will report on the outcome of this dip sampling.

### Proposal

17. 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

### **Perry Holmes, Monitoring Officer**

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

Appendix 1 – Summary of Complaints



## Appendix 1 – Summary of complaints

### Monthly Code of Conduct Cases 2020

	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	2	0	2	0	0	1
May	3	2	0	1	0	0	0
June	5	1	3	0	0	0	1
July	4	0	2	0	0	1	1
August	10	0	6	3	0	0	1
Sept	12	0	5	0	0	4	3
Oct	6	2	0	0	0	0	4
Nov	4	0	2	0	0	1	1
Dec	3	0	0	0	0	2	1

### Monthly Code of Conduct Cases 2021

	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	7	0	5	0	0	0	2
February	4	0	3	0	0	0	1
March	9	0	0	0	1	2	6
April	1	0	0	0	0	0	1
May	6	0	0	0	0	3	3

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## Wiltshire Council

### Standards Committee

15 June 2021

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#### Appointment of Members to the Standards Assessment Sub-Committee

##### Purpose of Report

1. This report asks the Standards Committee to appoint the membership of the Standards Assessment Sub-Committee for the forthcoming year.

##### Background

2. Following consideration by the Constitution Focus Group and the Standards Committee, Full Council on 9 July 2019 approved amendments to Protocol 12 (now 11) of the Constitution: Arrangements for dealing with Code of Conduct complaints.
3. The amendments included establishing a revised procedure for consideration and determination of Code of Conduct complaints, with determination by a standing Standards Assessment Sub-Committee rather than by the Monitoring Officer.
4. The Sub-Committee came into effect on 1 January 2020, following appointment of its membership by the Committee at its meeting on 14 November 2019. It has met on 10 occasions since it was appointed and made determinations for approximately 35 complaints.
5. The terms of reference for the Sub-Committee (**Appendix A**) require that the membership be appointed for each year.

##### Main Considerations

6. The Sub-Committee is comprised of five Members or Substitute Members of the Standards Committee, with all other Members or Substitute Members acting as substitutes for the Sub-Committee. Once appointed, up to two Co-opted Members of the Standards Committee attend the Sub-Committee on a rotating ad hoc basis.
7. The Sub-Committee is not subject to the requirements of political balance but is subject to a requirement of a maximum of four elected Members from any political group.
8. The Members appointed at the meeting on 14 November 2019, and reconfirmed on 7 July 2020, were as listed below. On each occasion the Committee delegated appointment of a Chairman and Vice-Chairman of the Sub-Committee to the Sub-Committee:

Cllr Richard Britton  
Cllr Ernie Clark (Vice-Chairman)  
Cllr Ruth Hopkinson (Chairman)  
Cllr Fred Westmoreland  
Cllr Stuart Wheeler

9. On 18 May 2021 all Members and Substitute Members of the Standards Committee were emailed requesting expressions of interest to serve as Members of the Standards Assessment Sub-Committee.
10. The following Members submitted an expression of interest:  
  
Richard Britton  
Ernie Clark  
Gordon King  
Ruth Hopkinson  
Sam Pearce-Kearney
11. Councillors Allison Bucknell and Pip Ridout each also made an expression of interest should members be required.
12. The Committee is asked to consider the expressions of interest and appoint such Members it considers appropriate to the Standards Assessment Sub-Committee. In keeping with its decisions on 14 November 2019 and 7 July 2020, it is recommended the Committee delegate the appointment of a Chairman and Vice-Chairman to the Sub-Committee.

#### **Safeguarding Implications**

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

#### **Equalities Impact of the Proposal**

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

#### **Risk Assessment**

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

#### **Financial Implications**

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

#### **Public Health Impact of the Proposals**

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

#### **Environmental Impact of the Proposals**

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

#### **Legal Implications**

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

#### **Proposal**

20. **To appoint five members to the Standards Assessment Sub-Committee for the forthcoming year as follows:**

**Cllr Richard Britton  
Cllr Ernie Clark  
Cllr Gordon King  
Cllr Ruth Hopkinson  
Cllr Sam Pearce-Kearney**

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

**Perry Holmes – Director, Legal and Governance**

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**Appendices**

Appendix A – Terms of Reference of the Assessment Sub-Committee

**Background Papers**

[Protocol 11 of the Constitution](#)

## **Appendix A - Standards Assessment Sub-Committee Terms of Reference (Part 3B of the Constitution)**

### Assessment Sub-Committee

- 2.5.9 As it shall consider multiple complaints this Sub-Committee shall comprise 5 elected Members from among the Standards Committee and its substitutes, in case of conflicts arising. The Standards Committee will appoint the members annually, along with a Chairman and Vice-Chairman for the Sub-Committee. The Sub-Committee may include up to 2 non-voting co-opted Members of the Standards Committee on an ad-hoc basis. All other members and substitutes of the Standards Committee will serve as substitutes for the Sub-Committee.
- 2.5.10 The above Sub-Committee is not subject to the requirements of political balance but is subject to a requirement of a maximum of 4 elected Members from any political group. The co-opted members serving on the Sub-Committee will be determined by the proper officer, who in this instance would be a Democratic Services Officer on behalf of the Monitoring Officer.
- 2.5.11 The above Sub-Committee shall meet on a monthly basis and make decisions on all Code of Conduct complaints in accordance with the Council's arrangements under [Protocol 11](#).
- 2.5.12 Members, including co-opted members, may not serve on the Hearing Sub-Committee for a complaint they have previously considered on the Assessment Sub-Committee

## Wiltshire Council

### Standards Committee

15 June 2021

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#### Appointment of Constitution Focus Group

##### Purpose

1. To seek approval for the appointment of a Constitution Focus Group to assist the Standards Committee in its role of overseeing the Council's Constitution.

##### Background

2. Since its creation as a unitary authority in 2009 the Council has appointed a Constitution Focus Group to advise and assist the Monitoring Officer and the Standards Committee in their respective roles of overseeing the Council's Constitution.
3. This has proven to be a successful forum for reviewing the effectiveness of the Constitution and advising the Standards Committee before the Committee makes any final recommendations on changes to the Constitution for adoption by full Council. It is recommended that this arrangement continues.
4. Current terms of reference for the Constitution Focus Group are included at **Appendix 1**

##### Main Considerations

5. The Focus Group meets several times a year according to the level of business in its work programme. Referrals are generally made via the Standards Committee, from Full Council, other Committees or the Monitoring Officer, in order to ensure that the Constitution remains fit for purpose and up to date.
6. Recent items reviewed by the Focus Group for recommendation include:
  - Protocol 4: Planning Code of Good Practice
  - Part 4: Council Rules of Procedure (and Petitions Scheme)
  - Protocol 11: Arrangements for dealing with Code of Conduct Complaints
  - Protocol 1: Member-Officer Relations
  - Protocol 2: Terms of Reference of the Wiltshire Pension Fund Committee and Local Pension Board
7. Future items identified for potential review by the Focus Group include, but are not limited to:
  - Part 12: Member Code of Conduct (referred by the Standards Committee 4 February 2021)
  - Part 9: Financial Procedure Rules
  - Part 8: Overview and Scrutiny Procedure Rules
  - Part 3: Responsibility for Functions and Schemes of Delegation

8. Membership of the Constitution Focus Group has to date included:
- a member from each political group on the Council nominated by Group Leaders;
  - A member of the Overview and Scrutiny Management Committee;
  - A member of the Audit and Governance Committee;
  - A member of the Standards Committee;
  - Up to two co-opted non-voting members of the Standards Committee.
9. A request has also been received to include among the membership of the Focus Group the Chairman of Wiltshire Council, in part given their role overseeing the meetings of Full Council. The Committee could amend the terms of reference to include the Chairman of Council.

### **Safeguarding Implications**

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

### **Equalities Impact of the Proposal**

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

### **Risk Assessment**

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

### **Financial Implications**

13. There are no financial 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.

### **Legal Implications**

16. The Constitution Focus Group will assist the Monitoring Officer and the Standards Committee in ensuring that the Council's Constitution remains fit for purpose and up to date with legislation.

### **Recommendation**

17. To approve the terms of reference of the Constitution Focus Group as set out in Appendix 1, with the inclusion of the role of Chairman of Wiltshire Council among its membership.
18. To appoint a member of the Standards Committee to the Focus Group.

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### **Perry Holmes – Director, Legal and Governance (and Monitoring Officer)**

Report Author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504,  
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## **Appendix 1 - Constitution Focus Group, Terms of Reference**

### **Function**

To undertake the following:

- ongoing review work on the constitution as and when required;
- producing user friendly summaries of the relevant parts of the constitution for use by members of the public and members of the Council and specifically to review the constitution in light of any changes in the legislation
- To consider the views of (as appropriate):
  - elected and co-opted members of the Council
  - officers
  - decision making bodies of the Council
  - town, parish and city councils and
  - members of the publicascertained through questionnaire responses and appropriate methods of communication and make appropriate recommendations
- To offer a councillor perspective on and accordingly to influence key issues within the constitution.
- To advise the Standards Committee of final recommendations on any changes to the constitution for consideration and onward recommendation to Council.

### **Membership**

- (i) a member from each political group on the Council nominated by group leaders;  
**Conservative: Ian Blair-Pilling**  
**Liberal Democrat: Ian Thorn**  
**Independent: TBC**  
**Labour: Ricky Rogers**
- (ii) a member of the Overview and Scrutiny Management Committee; **Jon Hubbard**
- (iii) a member of the Audit and Governance Committee; **TBC**
- (iv) two co-opted non-voting members of the Standards Committee **Ad hoc**
- (v) A member of the Standards Committee **TBC**  
and
- (vi) that appropriate Councillors and Officers are invited to attend as and when requested by the Focus Group or its Chairman to assist it in its work.

### **Chairmanship**

A chairman will be selected by the Focus Group from among its membership.

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## Wiltshire Council

### Standards Committee

15 June 2021

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#### Updates to the Constitution

##### Purpose of Report

1. This report asks the Standards Committee to consider recommendations of the proposed changes to the Constitution

##### 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 changes relate to recommendations made by the Health and Wellbeing Board to reflect changes in its membership, and the Audit and Governance Committee in respect of Protocol 10 – Governance Reporting Arrangements.
4. As the Constitution Focus Group has not been able to be reformulated until this meeting, the Committee is asked to review the changes proposed and make recommendation to Full Council in July 2021.

##### Main Considerations

###### Health and Wellbeing Board

5. The Health and Wellbeing Board a statutory partnership constituted as a committee of the council. Its membership includes those statutorily required, and other members. There are voting and non-voting members, with elected members and non-elected members.
6. With changes to the senior management structure of Wiltshire Council and the geography of the Clinical Commissioning Group from 1 April 2021 led to a review of the membership.
7. Accordingly, proposed changes to the membership of the Health and Wellbeing Board were presented by the Board at its meeting on 28 January 2021 as detailed at **Appendix A**.
8. It is therefore proposed to recommend Council update Part 3B Paragraph 6 of the Constitution accordingly to reflect the changes in Membership.

###### Protocol 10 – Governance Reporting Arrangements

9. At its meeting on 18 April 2021 the Audit and Governance Committee recommended changes to Protocol 10 of the Constitution, following a review of corporate governance.
10. The proposed changes include:

- Incorporating the Committee's change of name to Audit and Governance Committee;
- Confirmation of the Audit and Governance Committee's responsibility to approve the Annual Statement of Accounts and the AGS;
- Clarification of the Audit and Governance Committee's role in relation to Swindon and Wiltshire Local Enterprise Partnership(SWLEP);
- The Audit and Governance Committee's role in relation to the Council's Stone Circle companies, which will be considered as part of a review of the governance arrangements for these companies as requested by Cabinet at its meeting in February.

11. The changes proposed are detailed in **Appendix B**.

#### **Safeguarding Implications**

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

#### **Equalities Impact of the Proposal**

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

#### **Risk Assessment**

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

#### **Financial Implications**

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

#### **Legal Implications**

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

#### **Public Health Impact of the Proposals**

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

#### **Environmental Impact of the Proposals**

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

#### **Proposal**

19. **To recommend Full Council approve the proposed revisions to Part3B as detailed in Appendix A and Protocol 10 of the Constitution as detailed in Appendix B.**

#### **Perry Holmes, Director – Legal and Governance**

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#### **Appendices**

Appendix A – Proposed Membership of the Health and Wellbeing Board

## Appendix B – Proposed Changes to Protocol 10

### **Background Papers**

[Part 3 of the Constitution](#)

## Appendix A

Health and Wellbeing Board Membership - para 6 of Part 3B of the Constitution (statutory membership highlighted in green):

Voting Members:

- 4 **elected representatives**. The Leader of the Council and 2 Wiltshire Council Cabinet Members with responsibility for Children, Adults and Public Health; 1 Member of Wiltshire Council who is not a Member of the ruling group(s) on the Council;
- 4 **clinical representatives from the CCG**;
- 1 **representative from Healthwatch**;
- 1 Police and Crime Commissioner (PCC);
- 1 **NHS England representative**.

Non-voting Members:

- **Wiltshire Council officers with statutory responsibility for Children, Adults and Public Health services**;
- **Chief Officer / Chief Finance Officer of the Clinical Commissioning Group**;
- Acute Hospital Trusts representatives (Salisbury Hospital FT, Great Western Hospital FT and Bath RUH FT);
- South West Ambulance Service Trust (SWAST) representative;
- 1 Avon and Wiltshire Mental Health Partnership (AWP) representative;
- 1 Wessex Local Medical Committee representative;
- 1 Wiltshire Police Chief Constable representative;
- Wiltshire Council portfolio holder for Adult Care and Public Health.

**Full Council will be asked to formally include the following as non-voting members of the Board in the next set of changes to the constitution:**

- Wiltshire Council Chief Executive
- BSW CCG Locality Manager
- DWFRS
- adult community health services provider (WHC)
- children's community health services provider (VirginCare)
- child and adolescent mental health services provider (Oxford Health)

**Appendix B - Protocol 10 – Governance Reporting Arrangements**

	<b>Governance Area</b>	<b>Executive Responsibility</b>	<b>Non - Executive Lead Committee</b>	<b>Activity – Terms of Reference</b>	<b>Other Interested Committees*</b>
1.	<del>Business Corporate</del> -Plan - Performance	Cabinet (Council approves Plan)	Overview and Scrutiny	Review and scrutinise	Audit <a href="#">and Governance</a> Standards
2.	Medium Term Financial Strategy (MTFS)	Cabinet (Council approves MTFS)	Overview and Scrutiny	Review and scrutinise	Audit <a href="#">and Governance</a>
3.	Budget Setting	Cabinet (Council approves budget)	Overview and Scrutiny	Review and scrutinise	Audit <a href="#">and Governance</a>
4.	Budget Monitoring	Cabinet	Overview and Scrutiny	Review and scrutinise	Audit <a href="#">and Governance</a>
5.	Annual Statement of Accounts	<del>Cabinet</del>	Audit <a href="#">and Governance</a>	Review and approve	Overview and Scrutiny
6.	Financial Management	Cabinet	Audit <a href="#">and Governance</a>	Review to ensure arrangements for financial management are adequate and effective	Overview and Scrutiny
7.	Corporate governance, risk management and internal control	Cabinet	Audit <a href="#">and Governance</a>	Monitor and review effective development and operation; receive progress reports.	Overview and Scrutiny
8.	Annual Governance Statement (AGS)	<del>Cabinet</del> <u>Leader and Chief Executive sign AGS</u>	Audit <a href="#">and Governance</a>	Oversee process, review supporting evidence and approve AGS	Contributions from standards – ethical governance and Overview and Scrutiny
9.	Anti-fraud and Corruption Policy	Cabinet	Audit <a href="#">and Governance</a>	Monitor development and implementation	Standards Overview and Scrutiny
10.	Internal Audit	Cabinet	Audit <a href="#">and Governance</a>	- Approve terms of reference and strategy and annual internal audit plan; - -	Overview and Scrutiny Standards – ethical governance issues

				<ul style="list-style-type: none"> <li>- Monitor and review effectiveness of internal audit;</li> <li>- Consider annual report and opinion of Head of Internal Audit, summary on internal audit activity and level of assurance it provides on corporate governance;</li> <li>- Consider specific internal audit reports as requested and monitor implementation of agreed actions.</li> </ul>	
11.	External Audit	Cabinet	Audit <a href="#">and Governance</a>	<ul style="list-style-type: none"> <li>- Comment on external audit plan</li> <li>- consider relevant reports and report to those charged with governance;</li> <li>- Comment on scope and depth of external audit work and ensure it gives value for money</li> <li>- Monitor implementation of actions arising from external audit.</li> <li>- Consider issues arising from external audit of accounts</li> </ul>	<p>Overview and Scrutiny</p> <p>Standards – ethical governance issues</p>
12.	Audit and Inspection Letter	Cabinet	<p>a. Overview and Scrutiny</p> <p>b. Audit</p> <p>c. Standards – ethical governance issues</p>		
13.	Constitution	Council	Standards	<u>Oversight of the Constitution and recommending any changes to full Council</u>	<a href="#">Audit and Governance Committee consulted</a>



					<p><a href="#">on</a> financial rules and regulations</p> <p>All other committees</p> <p><a href="#">Constitution Focus Group may be asked to consider and advise on any proposed changes to the Constitution</a></p>
14.	Promoting and maintaining high standards of conduct : officers and members	Cabinet	Standards	<p>- Advising and providing training on Code of Conduct;</p> <p>-Granting dispensations;</p> <p>-Dealing with complaints under the Code of Conduct.</p>	Staffing Policy Committee – Officer disciplinary hearings and any recommendations for wider learning
15.	Whistleblowing Policy	Cabinet	Standards	Overview of policy development and implementation	Possible issues for <a href="#">Audit and Governance</a> , Standards and Overview and Scrutiny
16.	Corporate Complaints Handling and <a href="#">Local Government and Social Care</a> Ombudsman Investigations	Cabinet	Standards	<p>- Overview;</p> <p>- Review implementation of recommendations by Ombudsman</p>	Possible issues for Overview and Scrutiny and <a href="#">Audit and Governance Committee</a>
17.	<a href="#">Partnership</a> Governance of <a href="#">partnership working</a>	Cabinet	<a href="#">Audit and Governance</a>	Review effectiveness of <a href="#">partnership</a> governance of <a href="#">partnership working arrangements</a> as part of AGS process	Overview and Scrutiny – review partnerships Standards, ethical governance in relation to partnerships
18.	Safeguarding and looked after children	Cabinet	Children's Select Committee	Ensuring safeguarding responsibilities	Corporate Parenting Panel Safeguarding Children and Young People Panel
					Safeguarding Children and Young People Task Group

19.	Heath, wellbeing and social care	Cabinet/Health and Wellbeing Board	Health Select Committee	Ensuring health, wellbeing and social care responsibilities	
20.	Policing <a href="#">and Community Safety</a>	Cabinet	Police and Crime Panel	Holding Police and Crime Commissioner to account	Overview and Scrutiny
21.	<a href="#">Swindon and Wiltshire</a> Local Enterprise Partnership ( <a href="#">SWLEP</a> )	Cabinet	<del>Joint Strategic Economic Committee</del> <a href="#">Audit and Governance Committee</a>	Democratic accountability, <a href="#">review effectiveness of SWLEP</a> governance framework	<a href="#">Overview and Scrutiny</a> - LEP Joint Scrutiny Task Group
22	<a href="#">Stone Circle Companies</a>	<a href="#">Cabinet (representing the Council as shareholder)</a>	<a href="#">The role of Audit and Governance and Overview and Scrutiny Committees will be considered as part of the review of the governance arrangements for the Stone Circle companies on which Cabinet will be updated in July 2021.</a>		
*	<a href="#">The Overview and Scrutiny Management Committee will work with the Audit and Governance Committee to refer matters of governance for further review. Likewise, the Audit and Governance</a>				

<p><u>Committee can refer matters arising from its remit that have a specific impact or risk to the Council's policy or operation to the Management Committee to consider the need for review. (Pargarpgh 6.5 Article 6 of Part 2 of the Constitution)</u></p>					
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