

# AGENDA

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**Meeting:** Standards Committee

**Place:** Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

**Date:** Wednesday 15 June 2022

**Time:** 2.00 pm

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Please direct any enquiries on this Agenda to Lisa Alexander, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01722 434560 or email [lisa.alexander@wiltshire.gov.uk](mailto:lisa.alexander@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 Pip Ridout
Cllr Allison Bucknell (Vice-Chairman)	Cllr Mike Sankey
Cllr Andrew Davis	Cllr Iain Wallis
Cllr Matthew Dean	Cllr Derek Walters
Cllr Ruth Hopkinson	Kathy Barnes
Cllr Bill Parks	Joanne Cetti
Cllr Sam Pearce-Kearney	Julie Phillips
Gordon Ball	

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## Substitutes:

Cllr Richard Britton	Cllr Mel Jacob
Cllr Trevor Carbin	Cllr Gordon King
Cllr Ernie Clark	Cllr Kathryn Macdermid
Cllr Howard Greenman	Cllr Dr Nick Murry
Cllr Jon Hubbard	Cllr Graham Wright

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part 1

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

1 **Apologies for Absence**

2 **Minutes** (*Pages 5 - 10*)

To confirm the minutes of the meeting held on 20 April 2022

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution.

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 Thursday 9 June 2022, 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 Monday 13 June 2022. 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 11 - 14*)

To note the Status Report on the current position on Code of Conduct Complaints

7 **Positive Conduct Campaign**

An update will be provided on a Wiltshire Council campaign to promote positive

democracy and councillor conduct across the county. This will include a webinar on 7 July 2022 providing useful hints and tips on promoting standards in public life and running positive local council meetings.

8 **LGA Model Code of Conduct Working Group Update** (*Pages 15 - 38*)

At the last meeting, the Standards Committee considered the attached report and resolved to seek comments from the Constitution Focus Group and Group Leaders on the proposed new Code of Conduct.

To receive the feedback and consider the original report.

9 **Constitutional Changes** (*Pages 39 - 46*)

The Committee considered the recommendations of the Constitution Focus Group in relation to Part 3B of the Constitution, to adopt changes in respect of the Channel Panel.

10 **Urgent Items**

**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*

### Standards Committee

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**MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 20 APRIL 2022 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

**Present:**

Cllr Paul Oatway QPM (Chairman), Cllr Allison Bucknell (Vice-Chairman), Cllr Matthew Dean, Cllr Ruth Hopkinson, Cllr Sam Pearce-Kearney, Cllr Pip Ridout, Cllr Mike Sankey, Gordon Ball and Julie Phillips

**Also Present:**

Cllr Ashley O'Neill

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**27 Apologies for Absence**

Apologies were received from:

- Cllr Andrew Davis
- Cllr Ian Wallis
- Cllr Bill Parks
- Kathy Barnes (non-voting)
- Joanne Cetti (non-voting)

**28 Minutes**

The minutes of the meeting held on 12 January 2022 were presented for consideration. Subject to the amendment to include the nonattendance apologies from Cllr Ruth Hopkinson, it was,

**Resolved:**

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

**29 Declarations of Interest**

There were no declarations.

**30 Chairman's Announcements**

There were no announcements.

31 **Public Participation**

There were no statements or questions submitted.

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

The Committee received the status report, updating on the number and outcome of Code of Conduct complaints received between 4 January to 30 March 2022 and a summary of the complaints considered by the Assessment Sub Committee since the last Standards Committee meeting held on 12 January 2022.

There had been 16 Code of Conduct Complaints received by the Monitoring Officer during that period. 2 of these were determined No Further Action by the Assessment Sub Committee and 14 were determined No Further Action by the Monitoring Officer.

It was noted that 12 of the 16 complaints related to Members of only two parish councils. A breakdown of the type of complaint was provided. 12 of the complaints were against parish councillors, 4 were against town or city councillors and none were against Wiltshire council councillors.

A summary of the complaints received, and a breakdown was also provided within the report.

A table of current cases had been provided to the Chairman on 31 January 2022 for a dip sample of cases to be undertaken to enable oversight.

The Committee discussed the rise and fall in the number of complaints received, for the period, prior to and after the elections held in May 2021, and the number of those which had been considered by the Assessment Sub Committee.

It was noted that for the period recorded, there had been several linked complaints which related to one incident or one parish council, which had an impact on the overall figures.

The Monitoring Officer explained that work was in progress to provide guidance and encourage improved processes at parish council level, with the aim of seeing a decrease in complaints received. A report on this work would be presented to the next Standards Committee meeting.

The Committee also discussed the role and interaction of the Independent Person (IP) in the complaints process and whether the provision of an IP to the Complainant, which was not a statutory requirement, could be included.

The suggestion of a revision to the way in which a resolution was recorded was discussed. The Monitoring Officer noted that the process had a statutory legal

framework, and therefore, a complaint was either investigated or not, but that future consideration would be given to the clarity of a resolution.

After a discussion, on the motion of the Chairman, seconded by Councillor Bucknell, it was,

**Resolved:**

**To note the position on Code of Conduct Complaints.**

33 **LGA Model Code of Conduct Working Group Update**

Councillors Ridout and Dean joined the meeting.

The Committee considered the report and recommendations of the LGA Model Code of Conduct Working Group, which had met twice in March 2022 to carry out a review.

The Chairman of the working group, Councillor Ruth Hopkinson, presented the findings.

The Working Group had considered and compared the current Wiltshire Council (WC) and LGA Model codes of conduct and accompanying guidance. The LGA Model code was developed as a template for local councils to adopt in whole and/or with local amendments and would be reviewed annually to ensure it remained fit-for-purpose, in terms of development in technology, social media and changes in legislation.

The Working Group recommended the adoption of an amended LGA Model Code, as set out at Appendix A to the report.

The Committee noted the differences that the proposed Model Code of Conduct (CoC) had compared to the original LGA Model Code, in that it was more succinct, with much of the explanatory detailed contained within the Code's accompanying guidance. It also retained sections of guidance and two requirements that were included in the current WC Code but not in the LGA Model Code, relating to not placing oneself under financial or other obligation to other parties, and decision-making.

The Committee discussed the proposed CoC and clarified that parish councils were not required to adopt the version adopted by WC, but were free to chose which model they adopted, which included creating their own.

There was support for the council to include parishes in the development of the new CoC, in hope that involvement in the process would encourage more to adopt the same version which was felt could aid more consistency in behaviour of members at all levels.

Clarity was given on which code the Monitoring Officer assessed complaints on. It was confirmed that complaints were assessed on the relevant councils adopted code.

The Co-opted members added that in their capacity as parish councillors, there was an appetite for guidance on the code of conduct and an offer of guidance and training would be welcomed.

The Committee discussed Councillor Deans concerns regarding three main areas of the proposed model, these were the concept of respect, impartiality and disrepute. The guidance, which formed part of the code was highlighted, and it was advised that the two should be read as a whole.

The Cabinet Member for Governance, IT, Broadband, Digital, Licensing, Staffing, Communities and Area Boards, Councillor Ashley O'Neill questioned whether a sample of closed complaints had been assessed using the proposed model and if so whether the outcome would have been different in doing so. Members confirmed that such data was not available.

The reason for and clarity on the types of possible recommendations which may be included as part of a resolution when the outcome is not to send for investigation were given.

Following discussion, the Chairman proposed that the Code of Conduct as set out in Appendix A required wider consultation before the Committee made its final consideration.

The motion of the Chairman, which was seconded by Cllr Matthew Dean, was;

**Resolved:**

**That the Standards Committee supported the Code of Conduct provided at Appendix A and agreed it be presented to the Constitution Working Group and Group Leaders and for their comments to be fed back to the Standards Committee at its next meeting.**

#### 34 **Local Government Ethical Standards - Governments Response Update**

The Committee noted the Update on the progression of the Committee on Standards in Public Life's (COSIPL) review of Local Government Ethical Standards.

After a brief discussion, on the motion of Councillor Bucknell, seconded by Councillor Hopkinson, it was,

**Resolved:**

**To note the Update on the Committee on Standards in Public Life's (COSIPL) review of Local Government Ethical Standards.**



35 **Constitutional Changes**

The Committee considered the recommendations of the Constitution Focus Group in relation to Terms of Reference of the Audit and Governance Committee, set out in paragraph 2.8 of Part 3B of the Constitution.

After a brief discussion, on the motion of Councillor Dean, seconded by Councillor Hopkinson, it was,

**Resolved,**

**The Standards Committee recommend Council approve the revisions to Part 3B of the Constitutions as set out in Appendix A.**

36 **Urgent Items**

(Duration of meeting: 2:30pm – 3.52pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail [lisa.alexander@wiltshire.gov.uk](mailto:lisa.alexander@wiltshire.gov.uk).

Press enquiries to Communications, direct line ((01225) 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

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**Wiltshire Council**

**Standards Committee**

**14 June 2022**

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## **Code of Conduct Complaints – Status Report**

### **Purpose**

1. To provide an update on the Code of Conduct complaints received by the council since the Committee's last meeting.

### **Statutory background**

2. 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.
3. 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 town or parish council within the council area, has failed to comply with the relevant code of conduct.

### **Council Code of Conduct procedures**

4. 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.
5. On receipt of such a complaint the Monitoring Officer will consider the complaint and, if appropriate, 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.
6. Valid code of conduct complaints are 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.
7. If the Assessment Sub-Committee determines 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.

8. The Standards Hearing Sub-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.
9. There is no right of appeal of the decision of the Assessment Sub-Committee or the Hearing Sub-Committee.
10. 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.

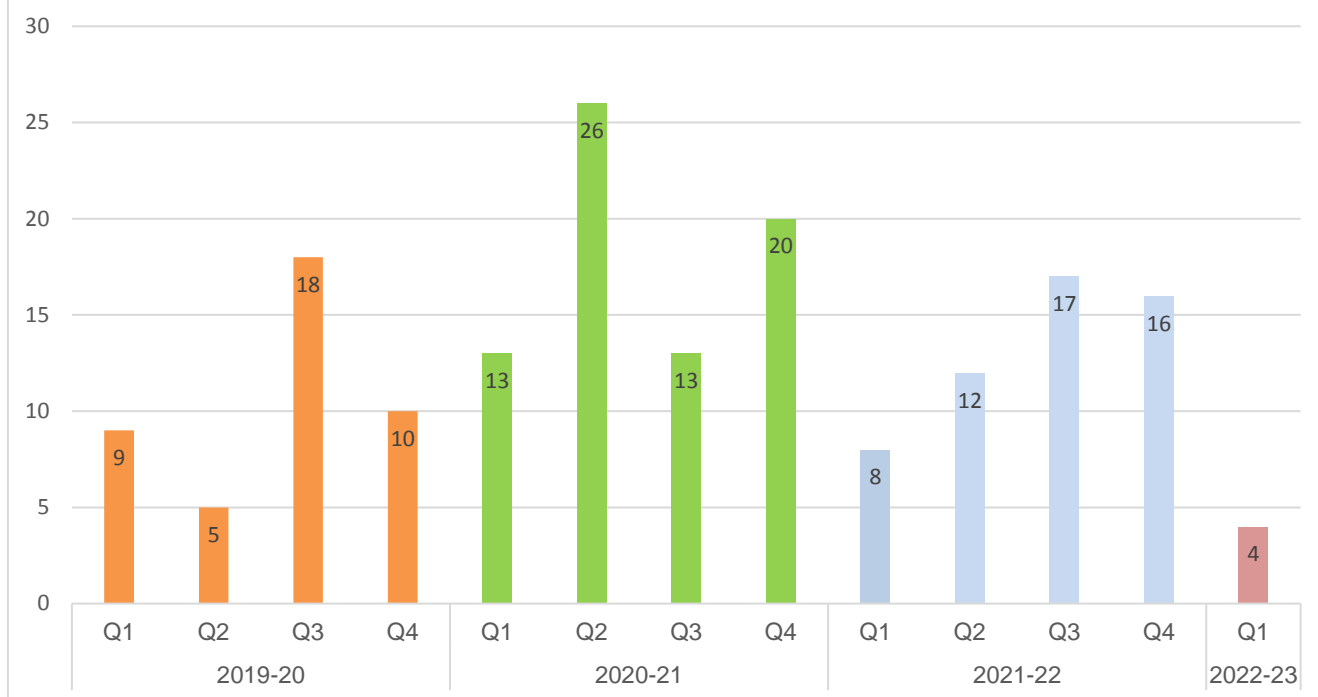
### **Summary of committee meetings**

11. The last Standards Committee meeting took place on 20 April 2021. Since that meeting there have been:
  - 0 meetings of the Standards Assessment Sub-Committee.
  - 0 meetings of the Standards Hearing Sub-Committee.
12. The next meeting of the Standards Assessment Sub-Committee is scheduled for 28 June 2022.

### **Summary of complaints received since 12 April 2022 (following publication of the 20 April 2022 committee meeting agenda)**

13. Between 12 April and 7 June 2022, the Monitoring Officer received 3 complaints under codes of conduct:
  - 3 are scheduled to be assessed by Assessment Sub-Committee on 28 June 2022.
  - 0 were determined No Further Action by the Monitoring Officer.
14. The Monitoring Officer can determine No Further Action under paragraph 4.6 of Protocol 11 – Arrangements for dealing with Code of Conduct Complaints. This is applied where the Monitoring Officer determines that, on the information available, the complaint appears to be trivial, vexatious, malicious, politically motivated or 'tit for tat', and it would not be in the public interest for further action to be taken, including particularly the efficient use of resources.
15. **Chart 1** shows the code of conduct complaints received since 2019:

**Chart 1 - Code of Conduct complaints received 2019-22**



Quarterly average: 11  
2019-20 total: 42

Quarterly average: 18  
2020-21 total: 72

Quarterly average: 13  
2021-22 total: 52

### Types of complaint

14. The 3 code of conduct complaints received between 12 April and 7 June 2022 can be broken down as follows:

(NFA = No Further Action MO = Monitoring Officer ASC = Assessment Sub-Committee)

- 0 were complaints against **Wiltshire Councillors**:
- 1 was a complaint against a **town councillor**:
  - 1 regarding abusive behaviour (to be considered by ASC)
- 2 were complaints against **parish councillors**:
  - 1 primarily regarding conduct in a meeting (to be considered by ASC)
  - 1 regarding misleading information and comments on a planning application (to be considered by ASC)

### Complaint resolution speed

16. Under Protocol 11 – Arrangements for Dealing with Code of Conduct Complaints, the council aims to assess all such complaints within **5 working days** of receiving the subject member’s response. This is a challenging target as complaints can be complex, require legal input and include a large amount of background information that must be reviewed.

17. During this period, no complaints have been assessed by the Monitoring Officer.

18. Complaints referred to Assessment Sub-Committee cannot usually meet the 5 working day timescale due to the need for a scheduled meeting. However, of the 3 complaints scheduled to be assessed by Assessment Sub-Committee, all will be assessed at the next scheduled Assessment Sub-Committee meeting (28 June 2022).

19. No complaints were referred for investigation during this period. Future reports will include data regarding the time taken to conclude investigations where appropriate.

### **Dip Sampling**

15. A table of current cases was provided to the Chairman of Standards Committee on 11 May 2022 for a dip sample to be undertaken to enable oversight.

### **Proposal**

16. The Committee are asked to note the current position on code of conduct Complaints

**Perry Holmes, Director of Legal & Governance and Monitoring Officer**

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Report Author: Henry Powell, Democracy and Complaints Manager,  
[complaints@wiltshire.gov.uk](mailto:complaints@wiltshire.gov.uk)

### **Appendices**

None.

**Wiltshire Council**

**Standards Committee**

**20 April 2022**

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## **Report of the Local Government Association (LGA) Model Code of Conduct Working Group**

### **Purpose**

1. To present the recommendations of the Working Group regarding the council's Code of Conduct for Councillors.

### **Background**

2. At its meeting on 12 January 2022, the Standards Committee considered the recommendations of the Constitution Focus Group regarding amendments to the Code of Conduct. The Focus Group did not recommend the adoption of the LGA Model Code of Conduct but agreed that the Behaviours Framework should be replaced by the council's more current Epic Values document to better reflect the position of the Staffing Policy Committee.
3. Following discussion by the Standards Committee, it was resolved to ask the Monitoring Officer, supported by a Working Group of Members and Officers, to carry out a review of the LGA Model Code and present their findings to the next meeting of the Standards Committee.

### **Methodology**

4. The Working Group met on 2 and 22 March 2022 and comprised the following membership:

Gordon Ball  
Cllr Allison Bucknell  
Joanne Cetti  
Cllr Ruth Hopkinson (Chair)  
Cllr Mike Sankey

5. The Working Group considered and compared the current Wiltshire Council (WC) and LGA Model codes of conduct, along with their accompanying guidance.

6. It was noted that the LGA developed its Model Councillor Code of Conduct in association with key partners and after consultation with the sector, as part of its work on supporting local government to aspire to high standards of leadership and performance. The LGA Model Code is intended 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 remains fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA has also produced an adaptable Councillor Code of Conduct training resource for council officers to use to deliver training in their own authority and is due to launch Code of Conduct e-learning in April 2022.

## Conclusions

7. Following a detailed comparison of the two codes, the Working Group propose the adoption of an **amended** LGA Model Code of Conduct, attached at **Appendix A**.
8. The proposed Code is different from the original LGA Model Code in the following respects:
- a) It is more succinct, with much of the explanatory detailed contained within the Code’s accompanying guidance.
  - b) It **retains** two requirements that are included in the current WC Code but **not** in the LGA Model Code (for clarity, these are in **red**). These sections relate to not placing oneself under financial or other obligation to other parties, and decision-making.
  - c) The proposed code also retains some sections of the current WC Code’s Guidance, which were not included in the LGA Code (these are also in **red**).
9. The Working Group concluded that the amended LGA code proposed offers the following advantages over the current WC Code:

Benefits of proposed LGA Model Code over current WC Code	Impact
<p>Sets out expected behaviours in greater detail, including the following additional sections:</p> <ul style="list-style-type: none"> <li>• Respect</li> <li>• Bullying and harassment</li> <li>• Impartiality</li> <li>• Disclosure and use of information</li> <li>• Disrepute</li> <li>• Abiding by the Code of Conduct</li> <li>• Gifts and hospitality</li> </ul>	<p>Provides more clarity for councillors and the public on what is/isn’t considered acceptable conduct</p> <p>Provides more clarity for those assessing alleged breaches of the Code</p> <p>By being more prescriptive, demonstrates the council’s full commitment to standards in public life</p>



Benefits of proposed LGA Model Code over current WC Code	Impact
	Although some of the bulleted sections are mentioned in the current WC Code's guidance, guidance is not enforceable
Uses the phrasing "I will..." rather than "I must..."	Encourages greater personal ownership of the Code, as opposed to a code that is imposed by others
<p>The Guidance states that the Code applies to all forms of communication and interaction, including:</p> <ul style="list-style-type: none"> <li>• at face-to-face meetings</li> <li>• at online or telephone meetings</li> <li>• in written communication</li> <li>• in verbal communication</li> <li>• in non-verbal communication</li> <li>• in electronic and social media communication, posts, statements and comments.</li> </ul>	Provides greater clarity on when the Code may apply, particularly applicable in the context of the number of complaints now received about conduct on social media
<p>Regarding Registers of Interest:</p> <ul style="list-style-type: none"> <li>• defines 'sensitive' interests</li> <li>• states that you must leave the room in some circumstances</li> <li>• includes guidance re interests specifically for Cabinet members</li> </ul>	Provides greater clarity on handling interests
Regarding Gifts and Hospitality, requires that gifts not accepted must also be declared	Provides greater transparency regarding Gifts and Hospitality

## Proposal

10. To recommend the Code of Conduct provided at **Appendix A** for adoption by Full Council.
11. To recommend that, if adopted by the council, the proposed Code be promoted as part of a countywide campaign to raise awareness and understanding of councillor conduct matters amongst all local councils.

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**Cllr Ruth Hopkinson, Chair of the LGA Model Code of Conduct Working Group**

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Report author: Henry Powell, Democracy and Complaints Manager,  
[complaints@wiltshire.gov.uk](mailto:complaints@wiltshire.gov.uk)

## **Appendices**

Appendix A            Proposed Code of Conduct for Wiltshire Council

**Draft Wiltshire Council  
Constitution  
Part 12  
Wiltshire Council Code  
of Conduct for  
Members**

**1. Code of Conduct** **3**

Appendix 1 – Roles and Responsibilities of Members

Appendix 2 – [Wiltshire Council EPIC Values document](#) [replacing the Behaviours Framework document]

**2. Code of Conduct Guidance** **7**

Appendix 1 Social Media Guidance for Councillors [currently being updated]

Appendix 2 Openness and transparency on personal interests – a guide for councillors

Appendix 3 Standards and Complaints Assessment Criteria

# DRAFT PART 12

## WILTSHIRE COUNCIL CODE OF CONDUCT FOR MEMBERS

As a Member or Co-opted Member of Wiltshire Council, I shall have regard to the following principles:

- **Selflessness**
- **Integrity**
- **Objectivity**
- **Accountability**
- **Openness**
- **Honesty**
- **Leadership.**

To uphold these principles, I will follow the below Code of Conduct whilst carrying out my role.

### **1. Respect**

**1.1** I treat other Councillors and members of the public with respect.

**1.2** I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

### **2. Bullying, harassment and discrimination**

**2.1** I do not bully any person.

**2.2** I do not harass any person.

**2.3** I promote equality and do not discriminate unlawfully against any person.

### **3. Impartiality of officers of the council**

**3.1** I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

### **4. Confidentiality and access to information**

**4.1** I do not disclose information:

- (a) given to me in confidence by anyone
- (b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

- i. I have received the consent of a person authorised to give it;
- ii. I am required by law to do so;
- iii. The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- iv. The disclosure is:
  1. Reasonable and in the public interest; and
  2. made in good faith and in compliance with the reasonable requirements of the local authority; and
  3. I have consulted the Monitoring Officer prior to its release.

**4.2** I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

**4.3** I do not prevent anyone from getting information that they are entitled to by law.

## **5. Disrepute**

**5.1** I do not bring my role or local authority into disrepute.

## **6. Use of position**

**6.1** I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

**6.2** I do not place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

## **7. Use of local authority resources and facilities**

**7.1** I do not misuse council resources.

**7.2** I will, when using the resources of the local authority or authorising their use by others:

- (a) act in accordance with the local authority's requirements; and
- (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

## **8. Complying with the Code of Conduct**

**8.1** I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with all sanctions **and recommendations** imposed on me following a finding that I have breached the Code of Conduct.

## 9. Interests

9.1 I register and disclose my interests.

## 10. Gifts and hospitality

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

## 11. Taking decisions

11.1 **When carrying out my public duties, I make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.**

11.2 **I am as open as possible about my decisions and actions and the decisions and actions of my authority, and am prepared to give reasons for those decisions and actions.**

11.3 **I am accountable for my decisions to the public and will co-operate fully with whatever scrutiny is appropriate to my office.**

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This Code of Conduct sets out the minimum standards of conduct required of you as a Councillor.

**This Code of Conduct should be read in conjunction with the guidance set out in this constitution** as well as the following appendices:

Appendix 1 – Roles and Responsibilities of Members [unchanged]

Appendix 2 – [Wiltshire Council EPIC Values document](#) [replacing the Behaviours Framework document]

Proposed



# DRAFT WILTSHIRE COUNCIL CODE OF CONDUCT GUIDANCE FOR MEMBERS

## Contents

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## Purpose

This guidance is intended to assist you in meeting your obligations under the Council's Code of Conduct.

You are encouraged to seek advice from the Monitoring Officer if you are unclear about any aspect of the Code or how it applies in your particular situation.

The statutory framework for standards in local government is contained in Part 7 of the Localism Act 2011, which can be found at:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

## The Principles of Public Life

### **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 disclose 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.

## Application of the Code of Conduct

The Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a Co-opted Member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to your Code of Conduct.

## Code of Conduct Guidance

This section sets out further guidance relating to your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations set out in the Code of Conduct and how they should be followed.

### **1. Respect**

Respect 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 robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor- officer protocol.

## **2. Bullying, harassment and discrimination**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. 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 may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

**An objective test is applied in determining whether conduct amounts to bullying or intimidation; in other words the conduct will be looked at through the eyes of a notional reasonable member of the public with knowledge of all the facts, and who looks at the conduct objectively.**

## **3. Impartiality of officers of the council**

Officers work for the local authority 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. 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. However, 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.

#### **4. Confidentially and access to information**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined 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 local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

#### **5. Disrepute**

As a Councillor, you are trusted 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 you, other Councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

#### **6. Use of position**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you must not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

#### **7. Use of local authority resources and facilities**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be

used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### Complaints Procedure

The Council's arrangements for dealing with complaints under the Code of Conduct are set out in Protocol 11 of the Council's Constitution.

### Local Assessment Criteria

Complaints under the Code are assessed or reviewed in accordance with the criteria attached at Appendix 3.

## **9. Interests**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose 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 disclosed by you or other Councillors when making or taking part in decisions, 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.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

The Register of Interests section below sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

In order to protect your position and the reputation of the local authority, 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 Councillor. The

presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **11. Taking decisions**

The decisions you take whilst undertaking your public duties should be made on an objective basis, using the best information available whilst avoiding discrimination, or bias. To ensure public confidence in the decision-making process, you should be willing to make the reasons for your decisions, as well as those of Wiltshire Council, publicly available. Information about why decisions have been taken should only be withheld in cases where there are clear and lawful reasons for doing so. As a holder of public office, you must be accountable for your decisions and actions and must submit yourself to the level of scrutiny commensurate with your position. It is important that the public are able to constructively challenge and express concern about the process by which decisions are made.

### **Bias and Predetermination**

Decisions, particularly in regulatory matters such as planning and licensing, may be challenged and ruled unlawful on the ground of bias. The test is whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the councillor was biased. In particular, under the Council's Code of Conduct for Members, bias would occur if you placed yourself under a financial or other obligation to third parties that might seek to influence you in the performance of your official duties. The rules on registration and declaration of interests are intended to protect councillors against allegations of bias and predetermination.

The Localism Act 2011 has clarified the rules on predetermination. Predetermination occurs where someone has a closed mind so that they are unable to apply their judgment fully and properly to the issue requiring a decision. This can lead to legal challenges and decisions being set aside.

The Act makes it clear that a councillor is not deemed to have had a closed mind on an issue just because they have indicated what view they have taken or may take before the issue is decided. A councillor is not, for example, prevented from participating in discussion of an issue or voting on it if they have campaigned on the issue or made public statements about their approach to it.

The general position, however, remains that, whatever their views, councillors must approach their decision-making with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views if persuaded that they should.

Whether or not there is actual or apparent bias or predetermination is a question of fact to be considered in each case. Where this may be an issue for a councillor advice should be sought at an early stage and in any event before the decision concerned is made.

## Registers of Interests

Your registration of personal interests should be guided by your duty to act in conformity with the Principles of Public Life.

The rules on registering and declaring interests are intended to promote openness and transparency to give the public confidence that councillors are putting the public interest first and are not benefiting their own financial affairs from being a councillor.

You should consider your obligations in respect of registering and declaring interests within this context. As a general rule, if you are in any doubt about your situation you should register or declare an interest. This provides openness and transparency, protects the public interest, the local authority's decision and your own position.

Your register of interests is a public document available on the Council's web site and should contain sufficient details to ensure that the nature of your interest is clear to members of the public. In the case of an interest in land this should include a sufficient description of the land to enable it to be identified.

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non participation in case of disclosable pecuniary interest**



4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate 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 disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

### **Disclosure of Other Registerable Interests**

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose 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 disclose the nature of the interest.

### **Disclosure of Non-Registerable Interests**

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you 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 disclose the nature of the interest.

8. 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 relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you 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 disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Table 1: Disclosable Pecuniary Interests	
Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	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.
<b>Contracts</b>	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.

Table 1: Disclosable Pecuniary Interests

Subject	Description
<b>Land and property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘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.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the Councillor’s knowledge)—</p> <ul style="list-style-type: none"> <li>(a) the landlord is the council; and</li> <li>(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.</li> </ul>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <ul style="list-style-type: none"> <li>(a) that body (to the Councillor’s knowledge) has a place of business or land in the area of the council; and</li> <li>(b) either— <ul style="list-style-type: none"> <li>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>(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 have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li> </ul> </li> </ul>

\* ‘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

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body

- (i) exercising functions of a public nature
- (ii) directed to charitable purposes or
- (iii) 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

## **Guidance Appendices**

Appendix 1 Social Media Guidance for Councillors [currently being updated]

Appendix 2 Openness and transparency on personal interests – a guide for councillors

Appendix 3 Standards and Complaints Assessment Criteria

Proposed

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**Wiltshire Council**

**Standards Committee**

**15 June 2022**

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## **Proposed Changes to the Constitution – Part 3B – Channel Panel**

### **Purpose of Report**

1. This report asks the Standards Committee to consider recommendations of the Constitution Focus Group in relation to Part 3B of the Constitution, to adopt changes in respect of the Channel Panel.
2. It also provides a background understanding of Channel and Prevent. The Counter Terrorism and Security Act 2015 placed the statutory Prevent duty on specified authorities (including local authorities) in England and Wales to have 'due regard to the need to prevent people from being drawn into terrorism'. A key part of this is the Channel programme. This report seeks to facilitate a decision on Channel's inclusion in Wiltshire Council's constitution.

### **Background**

3. 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.
4. The Constitution Focus Group met on 12 April 2022 and 1 June 2022 to consider the proposed changes.

### **Relevance to the Council's Business Plan**

5. Reducing risk of radicalisation is relevant to the key themes outlined within Wiltshire Council's business plan, 2022-2032:
  - Prevention and early intervention
  - Improving social mobility and tackling inequalities
  - Understanding communities
  - Working together

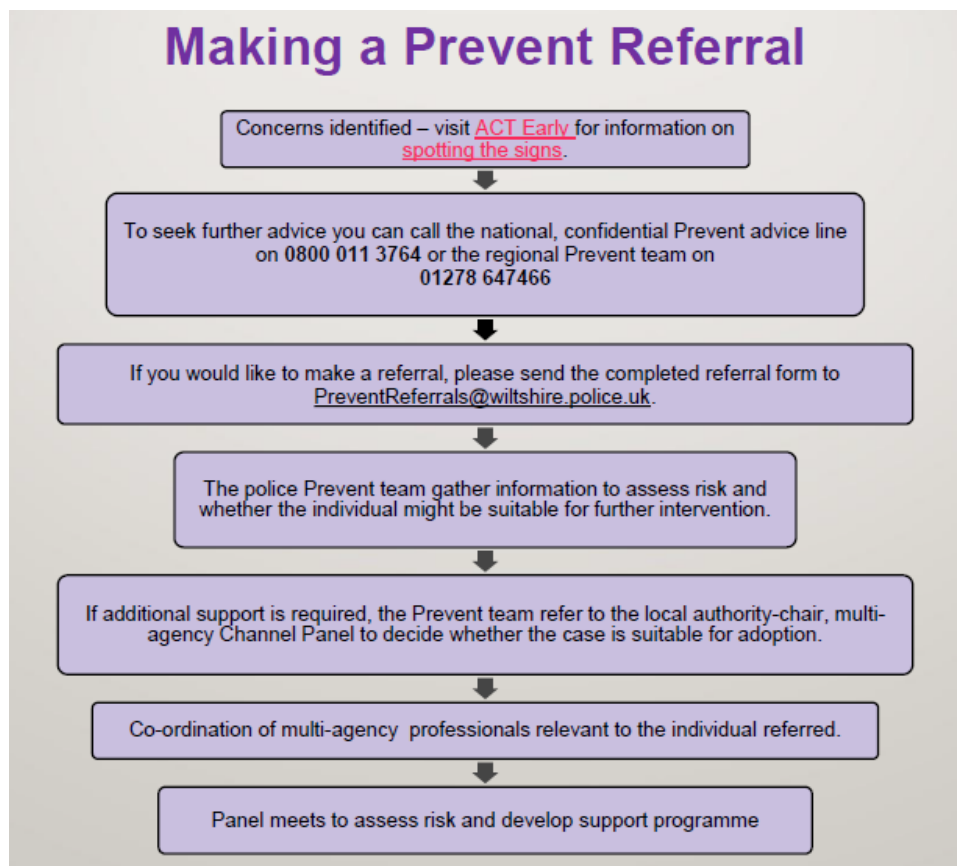
### **Main Considerations**

#### Channel

6. The Counter-Terrorism and Security Act 2015 made the multi-agency Channel programme a legal requirement and statutory duty for local authorities.
7. Channel is a collaborative early intervention programme to safeguard and provide personalised support to individuals (of all ages) identified as susceptible to radicalisation. This is to ensure their vulnerabilities are not exploited by

terrorist recruiters and to divert them away from a potentially harmful or criminal pathway.

8. Support is wide-ranging and can include:
  - Education or career advice
  - Assistance coping with mental or emotional health issues
  - Substance misuse support
  - Community integration
  - Diversionary activities of interest
  - Ideological mentoring from specialist intervention providers (commissioned by the Home Office) who work with individuals on a one-to-one basis.
9. Participation in Channel is voluntary and confidential, with consent being obtained prior to provision of support. It does not criminalise the individual, rather, it aims to divert them from coming to or causing possible harm.
10. Individuals are identified via referral.
11. Anyone can refer to Prevent and Channel. The referral pathway is shown below:



12. The extent and nature of risk is assessed in partnership with Counter Terrorism Policing South West and other key agencies. Following this, an appropriate programme of support is compiled based on the individual's needs.
13. The Channel programme sits within the Prevent Duty.



## Prevent

14. Prevent is one of four key strands within the government's overarching Counter-Terrorism strategy, Contest. It is the earliest stage of counter terrorism intervention.
15. An overview of the four areas is shown below:
  - Prevent: to stop people becoming terrorists or supporting terrorism.
  - Pursue: to stop terrorist attacks.
  - Protect: to strengthen our protection against a terrorist attack.
  - Prepare: to mitigate the impact of a terrorist attack.
16. The aim of the Prevent strategy is 'to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism'.
17. The 2011 Prevent Strategy has three specific strategic objectives:
  - respond to the ideological challenge of terrorism and the threat we face from those who promote it
  - prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support
  - work with sectors and institutions where there are risks of radicalisation that we need to address.

## Local Delivery

18. The Channel programme sits within the same governance as the Wiltshire Prevent Board.
19. The Wiltshire Prevent Board sits within the governance arrangements of the Wiltshire Community Safety Partnership (CSP), and it supports a key strategic outcome of 'Enabling Safer Communities' within the CSP's framework. The Chair and Vice-Chair of the Community Safety Partnership were informed that this report would be presented to Full Council. The partnership will be informed of the outcome.
20. The board also sits within the governance of the Strategic Contest Board, a Wiltshire and Swindon board chaired by a Wiltshire Police Assistant Chief Constable.
21. The Prevent Board's first strategy (2021 – 2025) was recently approved by both the Wiltshire Community Safety Partnership and Strategic Contest Board.
22. The Wiltshire Channel Panel has monthly meetings to assess any new referrals.
23. Channel is chaired by a Public Health Principal within the local authority.
24. Wiltshire has departmental and organisational Channel Champions who support the identification of relevant partner representatives at meetings. Champions receive additional opportunities for training and support the sharing of key messages.
25. Partners involved at each panel meeting include: Public Health, Counter Terrorism Policing South West, adult or children's safeguarding services (dependant on age) and mental health if there is a mental health concern

present. Additional partners are included case dependant, such as: education, local policing, health, housing providers and substance misuse services.

26. There is now a requirement to complete and submit to the Home Office a Channel Panel Assurance Statement. This provides centralised oversight to Channel Panels across England and Wales.
27. The statement is in conjunction with a programme of support encompassing training for chairs, deputies and panel members, Home Office Channel Panel observations and a regional Channel quality assurance lead.

#### Constitution Focus Group

28. The Focus Group considered the proposed amendments and sought additional details on engagement with or reporting to elected Members, membership of the Panel, and how other authorities were complying with the latest guidance.
29. The Focus Group made a series of changes to the proposed text in order to improve clarity. The changes recommended are set out at Appendix 1.

#### **Overview and Scrutiny Engagement**

30. The Overview and Scrutiny Management Chair and Vice-Chair have been consulted on the recommendation to include Channel as part of the constitution.

#### **Safeguarding Implications**

31. Safeguarding is a key part of the Prevent Duty. Public Health lead on Prevent and work in partnership with adult and children safeguarding teams for the functions of the Prevent Board and Channel Panel.

#### **Public Health Implications**

32. Terrorism has huge implications for the health of individuals, communities, economies, and populations worldwide. It affects public well-being and can lead to the erosion of trust, the spread of prejudice and fear with adverse health outcomes for those directly and indirectly involved.
33. By reducing risk of radicalisation in the first place and ultimately incidents of terrorism, we can reduce if not halt these possible consequences.

#### **Procurement Implications**

34. There are no procurement implications at present.

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

35. An equalities impact assessment has not been undertaken. It should be noted that some individuals within this process may fall into certain protected characteristics under the Equality Act 2010 (i.e Age, Disability, Gender Reassignment, Marriage/Civil Partnership, Maternity/Pregnancy, Race, Religion,

Sex and Sexual Orientation). The council will ensure that the panel meets any duties under the Act.

### **Environmental and Climate Change Considerations**

36. Environmental and climate change considerations do not affect the decisions within this proposal; however, Channel and Prevent Board meetings are now held virtually which reduces need for travel across the county and therefore the harmful environmental impact of such travel.

### **Risks that may arise if the proposed decision and related work is not taken**

37. Potential harms to the health and wellbeing of Wiltshire residents if the risk of terrorism were not reduced.
38. Potential economic impacts of terrorism
39. Risk of reputational damage if an incident occurred within the county and standards of the statutory duty had not been met. Additional legal risk of not meeting the council's statutory duty.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

40. There is a potential reputational risk if the Channel process is not delivered once the programme is included in the constitution. There is a robust quality assurance process in place, which requires the local authority to report back to the Home Office on an annual basis to ensure we are fulfilling our duty. The Home Office have also allocated regional Channel Quality Assurance Leads. The lead for Wiltshire will be notified of Cabinet's decision to ensure we are compliant with the duty.

### **Finance Implications**

41. There are no financial implications arising from this report as the costs predominantly of staff time, are already being met from existing budgets.

### **Legal Implications**

42. If it is not agreed to include Channel within the constitution, Wiltshire Council will not be adhering to the statutory duty and therefore could be subject to challenge.
43. This report has not specified Channel case numbers according to Home Office guidance.

### **Workforce Implications**

44. Public Health currently fund a practitioner role to co-ordinate this work. The board is chaired by the Public Health Principal for Vulnerable Communities. It is important the local authority continues to ensure statutory requirements are met for both Prevent and Channel.

### **Conclusions**

45. The Counter-Terrorism and Security Act 2015 makes the Channel programme, a key part of the Prevent Duty, a legal requirement.
46. As part of fulfilling this, the council must complete and return an assurance statement to the Home Office each year. Part of this statement requires that 'Channel, as a local authority statutory function (Section 36 of the CTSA), is included within the local authority's constitution.'
47. It is a requirement for Channel to be included in Wiltshire Council's constitution within Part 3: Responsibilities for Functions.
48. Following Council 's decision, the outcome will be recorded within the Channel Assurance Statement for sign off by Wiltshire Council's Chief Executive and returned to the Home Office.

### **Proposal**

49. To recommend Full Council approve the changes to Part 3B as set out at Appendix 1.

### **Professor Kate Blackburn, Director of Public Health**

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Report Authors: Kelly Fry, Public Health Principal and Katherine Hoskin, Public Health Practitioner.

Appendix 1 – Proposed Changes to Part 3 B

### **Background Papers**

[PREVENT - Safeguarding - Wiltshire Council](#)

## **Appendix 1 – Part 3: Responsibilities for Functions**

### **Addition at Part 3B new Para 8**

#### **Local Authority Panels**

##### **Channel Panel**

8.1 The Channel Panel uses a multi-agency approach to protecting people vulnerable to being drawn into terrorism. The Channel Panel was established in line with the Counter-Terrorism and Security Act 2015.

8.2 The Channel Panel forms part of the council's Prevent Duty. The Cabinet Member with responsibility for Public Protection attends meetings of the Prevent Board.

8.2 The Channel Panel is required to:

8.2.1 Identify individuals at risk

8.2.2 Assess the nature and extent of that risk;

8.2.3 Develop the most appropriate support plan for the individuals concerned.

8.3 The key requirements of the Channel Panel:

8.3.1. The local authority is the Channel Panel Chair;

8.3.2. Membership of the panel must include the local authority and the police as they have principal responsibility for Channel in their area;

8.3.3. Minimum membership of the panel includes:

- The local authority representative, as chair (Public Health Principal for Vulnerable Communities)
- Public Health Practitioner for Prevent and Safer Communities
- Counter Terrorism Policing South West Prevent Officer
- Safeguarding representation (as determined by the age of the case)
- Mental Health representation if mental health concerns are present (service dependant on age of case)
- Minute taker (Public Health)

Additional members from agencies relevant to the case are requested which could include education providers, voluntary community groups, or probation services or others as appropriate.

8.3.4. The panel to develop a support plan for individuals accepted as channel cases.

8.3.5. The panel to consider alternative forms of support, including health and social services, where Channel is not appropriate.

8.3.6. The panel to ensure that the council's functions to safeguard and promote the welfare of children under section 11 of the Children Act 2004 are discharged;

8.3.7. All partners of a panel, so far as appropriate and reasonably practicable, to cooperate with the police and the panel in the carrying out of their functions;

8.3.8. Each case is handled separately; people deemed appropriate to receive support will have a tailored package developed for them, according to their identified vulnerabilities.

8.3.9. Where the panel is unable to make a unanimous decision, the question must be decided by a majority of the panel. Where the panel is unable to make a majority decision, the question must be decided by the Channel Panel Chair. In certain circumstances the Chair may wish to escalate the question internally through the agreed governance route.