

STANDARDS COMMITTEE

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 1 MAY 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Derek Brown OBE, Cllr Allison Bucknell, Cllr Ernie Clark, Cllr Peter Evans, Cllr Howard Greenman (Vice-Chairman), Cllr Ruth Hopkinson, Cllr Paul Oatway QPM (Chairman), Cllr Fred Westmoreland, Cllr Stuart Wheeler, Cllr Gordon King (Substitute) and Mr Michael Lockhart

11 **Apologies**

Apologies were received from Councillors Peter Fuller and Bob Jones, Mr Phillip Gill, Mr Richard Baxter and Miss Pam Turner.

Councillor Jones was substituted by Councillor Gordon King.

12 **Minutes**

The minutes of the meeting held on 23 January 2019 were presented for consideration and it was,

Resolved:

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

13 **Declarations of Interest**

There were no declarations.

14 **Chairman's Announcements**

There were no announcements.

15 **Public Participation**

There were no questions or statements submitted.

16 **Status Report on Complaints**

Sukdave Ghuman, Team Leader Public Law and Compliance, presented a report on the status of existing code of conduct complaints. Details were provided of the number of complaints received, the nature of the complaints and the outcomes of any assessments concluded.

The Committee discussed the report, noting a number of complaints dismissed due to having been submitted out of time, and instances of past complaints which had taken a long time to resolve. The Committee noted the ongoing review of the procedure to be discussed at Minute Item 19.

Resolved:

To note the update.

17 **Committee on Standards in Public Life**

A report from the Monitoring Officer summarising the report of the Committee on Standards in Public Life regarding its review of Local Government Ethical Standards was presented. The report had followed a consultation in 2018, to which the Standards Committee had delegated preparation of a response, which was attached to the agenda papers.

The Committee on Standards in Public Life had reached a number of conclusions including that the introduction of an updated model Code of Conduct would aid clarity and consistency, that towns and parishes should be required to adopt the Code of their principal authority, and that existing sanctions for breaches were insufficient, recommending that the ability to suspend members be reintroduced.

The Standards Committee noted the conclusions of the Committee on Standards in Public Life, in particular that many of its recommendations would require the introduction of primary legislation, and therefore would not be implemented for some time even if adopted by central government. Therefore, they focused on the list of best practice recommendations compiled by the Committee on Standards in Public Life, which it had recommended all local authorities adopt where they were not already operating in such a fashion.

The Committee considered that with provisions regarding bullying and harassment included in the guidance to the Code of Conduct as an example of behaviour which might not uphold high standards of conduct, there was not a need to amend the Code. It was also noted that the assessment criteria in Wiltshire already prohibited trivial or malicious allegations by any persons, and a public interest test, though actually enforcing cooperation with any standards assessment or investigation as recommended was not achievable, though was very much encouraged and usually undertaken.

The Committee noted that it was currently reviewing the arrangements for dealing with Code of Conduct complaints, and that this was felt to be more effective than the best practice recommendation that the Code itself was reviewed each year, including public consultation. It was felt a review in advance of the next election was more appropriate than committing to annual reviews which would not result in a great deal of amendment.

The Committee felt that the Code and arrangements were available on the website as recommended, although work would continue on making it as prominent and easy to access as possible. In relation to gifts and hospitality it was noted that there was not a requirement to declare gifts under the Wiltshire code, but that any such declarations were updated as they were made.

It was considered that with three independent persons who were consulted at each stage of the process the arrangements in Wiltshire easily met the best practice recommendations. In relation to publication of decision notices it was noted there was a balance between being open and transparent and which details should be considered private, and this would be considered in the ongoing review of the process.

Concerns were expressed at recommendations regarding complaints regarding member conduct toward a parish council clerk, given the limited resources and part time nature of the role, and the lack of ability for the principal authority to encourage such changes as proposed.

The Committee agreed that there were adequate procedures in place regarding conflicts of interest and updating political groups.

In discussing the best practice recommendations as fully detailed in the agenda papers, the Committee agreed that any changes to practice or procedure should be recommended by the Constitution Focus Group taking into account the views expressed above.

Resolved:

For the Constitution Focus Group to consider the report and make such recommendations as felt appropriate.

18 **Recommendations from the Constitution Focus Group**

A report was received from the Monitoring Officer outlining proposed changes to the Constitution as recommended by the Constitution Focus Group.

Part 10 of the Constitution was in relation to procurement and contract regulations. This had been updated to further simplify the regulations and clarify processes to be followed including the correction of now out of date information and the responsibilities of roles within the Council. The Focus Group had considered the changes appropriate and necessary, and the Committee was content to recommend the proposals for adoption by Full Council.

Protocol 8 was in relation to partnership working, but after review was recommended to be removed as it was not fit for purpose, sitting outside and at odds with the council's present commercial policy and approach. The Audit Committee was in agreement with the approach of removing the document, to be replaced by a partnership working framework to be adopted by Cabinet, which was felt to be a more appropriate level for the framework to be approved.

Protocol 10, which would become Protocol 9 after the partnership protocol was removed, related to the Code of Corporate Governance. The document had not been reviewed since 2010, and a revised version had been prepared to reflect Chartered Institute of Public Finance and Accountancy guidance. Both the Constitution Focus Group and Audit Committee had agreed the new protocol.

At the conclusion of discussion, it was,

Resolved:

To recommend Council approve the revised Part 10 and Protocol 10 of the Constitution and remove Protocol 8 of the Constitution.

19 **Review of Protocol 12 of the Constitution**

At its meeting on 23 January 2019 the Standards Committee requested the Constitution Focus Group to oversee a review of the procedures relating to code of conduct complaints in response to concerns expressed to the Committee regarding the timeliness of dealing with complaints under the process. This also followed a review of the processes adopted by other local authorities in handling of code of conduct complaints. The arrangements operated by Wiltshire Council were last reviewed in February 2017.

The Constitution Focus Group discussed the arrangements and associated documentation at its meetings on 20 March 2019 and 10 April 2019. The Chairman and Vice-Chairman of the Standards Committee also discussed the arrangements at a meeting with officers and the Council's Independent Persons on 12 March 2019.

The Constitution Focus Group had considered and was proposing a new arrangement for assessment of complaints wherein the Monitoring Officer would prepare a recommendation for determination by an Assessment Sub-Committee. This would enhance the role of elected members by ensuring involvement in all complaints, not merely those requested for review after determination by the Monitoring Officer. Accordingly, there would be no need for ad-hoc review sub-committees as these had been included in the process to provide member involvement.

The Focus Group considered this approach in addition to enhancing the role of elected members, would be administratively simpler with regularly scheduled meetings known to all members, eliminating delays caused by availability constraints of members and officers.

The Committee discussed the proposals, seeking information on how the assessment sub-committee would be constituted, and whether the need to prepare recommendations to the assessment sub-committee would increase pressure on resources. The Committee considered that the proposals did appear to streamline the process and requested full details for determination at its next meeting.

Resolved:

To note the update and receive further details at the next meeting.

20 **Urgent Items**

There were no urgent items.

(Duration of meeting: 9.30 - 10.45 am)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,
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