

Standards Committee

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 4 FEBRUARY 2021 AT ONLINE.

Present:

Cllr Richard Britton, Cllr Derek Brown OBE, Cllr Ernie Clark, Cllr Peter Evans, Cllr Peter Fuller, Cllr Howard Greenman (Vice-Chairman), Cllr Ruth Hopkinson, Cllr Paul Oatway QPM (Chairman), Cllr Fred Westmoreland, Cllr Stuart Wheeler and Mr Michael Lockhart

Also Present:

Cllr Trevor Carbin

21 **Apologies**

Apologies were received from Cllr Derek Brown OBE, Pam Turner and Richard Baxter.

Cllr Brown was substituted by Cllr Sue Evans.

22 **Minutes**

The minutes of the Standards Committee meeting held on 7 October 2020 were presented for consideration. The minutes of the Standards Hearing Sub-Committee meeting held on 23 September 2020, 2 November 2020 and 6 November 2020 were also received, and it was,

Resolved:

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

To receive the minutes of the Standards Hearing Sub-Committee as a true and correct record.

23 **Declarations of Interest**

There were no declarations.

24 **Chairman's Announcements**

There were no announcements.

25 **Public Participation**

A statement and question was received from Andrew Nicolson as attached to these minutes regarding Members not voting on Full Council recorded votes, rather than voting for, against or abstain, on Full Council recorded votes, and whether as a matter of transparency the Constitution could be amended to make it best practice for an active vote to be cast when present.

Following discussion from the Committee, it was agreed to refer the matter to the Constitution Focus Group for consideration.

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

Paul Barnett, Acting Team Leader for Public Law and Compliance, presented a report updating the Committee on Code of Conduct complaints received and determined since the last meeting.

It was noted that there had been a large number of complaints submitted in August and September 2020, but that the number had reduced since that time.

In discussion, it was also noted that when there were a large number of complaints this could be the result of a single incident which received multiple complaints rather than multiple incidents.

It was then,

Resolved:

To note the Code of Conduct complaints update.

27 **Complaints Report**

Ian Gibbons, Monitoring Officer, introduced a report summarising annual statistics in relation to corporate complaints, developments of the service and review of complaints procedures.

The number of complaints received under the corporate complaints procedure was 459 in 2019/20, compared to 588 the previous year and continuing a decreasing trend. Details were provided of complaints dealt with under Children's Services statutory procedures, and that work was ongoing with services to identify trends and improve reporting to the Committee and the Corporate Leadership Team.

Details were also received in relation to the Annual Review Letter from the Local Government and Social Care Ombudsman, the impact of Covid-19 with a rise in anxious or aggressive contacts with the complaints team, and proposals to review the complaints procedure. It was also stated that the complaints team would from April 2021 be transferred to the Democracy and Governance service as detailed in the report.

The Committee received the report and noted the ongoing discussions with services as well as the comments of the Ombudsman on some delays in completing remedies within agreed timescales, and that a review had taken place to ensure improvement of timeliness.

It was then,

Resolved:

- 1) **To note the current position on Corporate Complaints and Ombudsman investigations, and the proposed transfer of the complaints function to the Democracy and Governance Service.**
- 2) **To note the review of the Complaints Procedure in Protocol 6 of the Constitution and to agree that the proposed new procedure is referred to the Constitution Focus Group for consideration and report to the Standards Committee.**

28 **Appointment of Co-opted Members of the Standards Committee**

Kieran Elliott, Senior Democratic Services Officer, introduced a report regarding the appointed of co-opted member of the Standards Committee. The Committee had to consider whether to recommend Council appoint co-opted members in future, how many to appoint, and the process for that appointment.

The Committee discussed the report, noting the invaluable work of co-opted members in particular with the Assessment Sub-Committee regarding Code of Conduct complaints. It was considered that retaining four co-opted members was appropriate, and to request Full Council delegate the appoint to the Committee, and that arrangements be made to advertise in advance and after the May 2021 local elections. A comment was received from a co-opted member thanking officers for their support during the current term of appointment.

It was then,

Resolved:

To recommend that Council:

- 1) **Appoint four non-voting co-opted Members for the next council term; and**
- 2) **delegate the appointment of any non-voting co-opted members to the Standards Committee and the arrangements for selection of such members to the Monitoring Officer in consultation with the Chairman of the Standards Committee.**

29 **Local Government Association (LGA) Model Code of Conduct**

Ian Gibbons, Monitoring Officer, introduced a report on the Model Local Government Association (LGA) Code of Conduct. The Committee had responded to the consultation on the draft LGA Code in 2020.

The Committee discussed the Model Code, which was a more detailed Code than the previous light touch Code. Some Members considered that the Council's Code needed to be strengthened and the LGA Code or elements of it could be a step in that direction. The continuing lack of effective sanctions, which would require legislative changes, was also raised.

Following discussion, it was then,

Resolved:

To refer the updated Model Code of Conduct to the Constitution Focus Group to review, and make comments and recommendations to the Standards Committee as appropriate.

30 **Urgent Items**

There were no urgent items.

(Duration of meeting: 1.00 - 1.45 pm)

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

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Wiltshire Council

Standards Committee

4 February 2021

Item 5 – Public Participation

Question from Andrew Nicolson

Question

By way of introduction to the question, here is some context:

Council Rules of Procedure section 22.5 states, "... the names for and against the motion or amendment **or abstaining from voting** will be recorded in the minutes." [I added the emphasis].

From a citizen's perspective, the identities of those present for a motion but voting neither 'For' nor 'Against' is always of interest as an element of members' voting records, and a matter of democratic accountability and transparency, but especially in the run-up to an election.

On trying to compile a complete voting record on a 2019 Full Council motion, I discovered that is possible, but very time-consuming, cumbersome and technical, to figure out which members were present and non-voting, over and above those registering 'Abstain'. This exercise involved cross-checking the attendance and apologies records, the printable and web-based recorded vote lists and the meeting departure times.

I have concluded that section 22.5 is not working: not all the names of the members present but **not** voting are being recorded in the minutes. The reason is that some members present are recording 'Abstain' but others appear to be just not voting, and of those in turn some are being minuted but others possibly not.

I can see that it isn't feasible for the Constitution to compel a member to either vote or register an 'Abstain' on the system. I cannot see what sanction there could be if they don't.

So my question is:

Will the Standards Committee consider, directly or after a referral to the Constitution Focus Group, adding a clause in the members' Codes of Conduct that defines it as best practice for each member present at meetings to register an 'Abstain' if voting neither 'For' nor 'Against' a motion (and conversely not good practice to omit to do that), together with a rationale for that new clause?

Response

A verbal response was received at the meeting, agreeing to refer the matter to the Constitution Focus Group for consideration.

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