

AGENDA SUPPLEMENT (1)

Meeting: Council
Place: Salisbury City Hall
Date: Tuesday 15 May 2012
Time: 10.30 am

The Agenda for the above meeting was published on Friday 04 May 2012 and indicated that the reports detailed below would be to follow. These are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to John Quinton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718220 or email john.quinton@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

8 **Public Participation (Pages 1 - 2)**

A public question from Mr Phil Matthews in relation to Overview and Scrutiny arrangements is attached.

9 **Review of the Constitution**

9b) **New Standards Framework (Pages 3 - 46)**

A report from the Monitoring Officer is attached.

9c) **Overview and Scrutiny Arrangements**

Council is asked to approve the recommendations of the Standards Committee as of its meeting on 02 May 2012, as follows:

- 1. To approve the outcome of the Overview and Scrutiny Review as set out in the report, subject to the following amendments:**

a) In Appendix B:

- In the Overview and Management Committee box, replace the fourth bullet point with 'Establish sub-committees/ endorse the formation of task groups/appoint representatives to project groups and delegate responsibility as appropriate'
- In each of the three Sub-Committee boxes remove the wording "with the agreement of the Management Committee"

b) To review the operation of the arrangements within 18 months.

13 **Councillors' Questions (Pages 47 - 54)**

Details of questions received from various Councillors.

14 **Minutes of Cabinet and Committees (Pages 55 - 64)**

Minute marked 'To Follow' in the Minutes Book, as below:

Eastern Area Planning Committee - 26 April 2012

15 **Annual Report of the Standards Committee (Pages 65 - 76)**

Council is asked to receive and note the Annual Report of the Standards Committee.

DATE OF PUBLICATION: 09 May 2012

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM THE PUBLIC – ITEM 9C

**QUESTION FROM MR PHIL MATTHEWS, WILTSHIRE INVOLVEMENT
NETWORK (CHAIR)**

TO CLLR JANE SCOTT, LEADER OF THE COUNCIL

Question 1

If the proposals for the new Scrutiny Arrangements are approved by the Council can I have an assurance that the Wiltshire Involvement Network will still be invited to the Health and Social Care Sub Committee as a Stakeholder like they have been in past years?

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WILTSHIRE COUNCIL

COUNCIL

15 May 2012

LOCALISM ACT 2011 - NEW STANDARDS FRAMEWORK

Purpose of Report

1. This report:
 - a. informs council of the work undertaken so far in preparing for the implementation of the new standards framework under the Localism Act 2011.
 - b. invites council to consider the Standards Committee's proposals for implementation of the new framework in Wiltshire.

Background

2. The Localism Act 2011 ('the Act') introduces fundamental changes to the regulatory framework for standards of conduct of elected and co-opted members of relevant authorities, including principal councils and parish, town and city councils ('parish councils').
3. The key changes are summarised in a briefing note which was circulated to Wiltshire Councillors and parish council clerks in December. A copy of the briefing note is attached at Appendix A.
4. The new standards framework is due to be implemented on 1 July 2012.
5. The proposals in this report have been developed by the Standards Committee with the assistance of its Standards Task and Finish Group, and in consultation with the Constitution Focus Group, Group Leaders, and the Member Support in the Locality Task Group. Members have also contributed to discussions on the new framework at a members' seminar on the Localism Act on 19 and 23 April 2012.
6. Parish councils have been informed of the progress of this work through the parish newsletter.

7. Regulations dealing with the registration and disclosure of pecuniary interests and the transitional arrangements are awaited.

Main Considerations

Code of Conduct

8. The Act imposes a general duty on relevant authorities to promote and maintain high standards of conduct. In discharging this duty the council must, in particular, adopt a code of conduct dealing with the conduct that is expected of members and co-opted members of the council when they are acting in that capacity.
9. Parish councils may satisfy this duty by adopting their principal authority's code.
10. The council's new code of conduct must, when viewed as a whole, be consistent with the following principles:
 - selflessness;
 - integrity;
 - objectivity;
 - accountability;
 - openness;
 - honesty;
 - leadership
11. Regulations defining what pecuniary interests must be registered and disclosed are due to be issued. The council's code may include such other pecuniary and non-pecuniary interests as the council considers appropriate for registration and disclosure. Until these regulations are available it is not possible to complete this part of the code of conduct, or determine what interests need to be included in the members' register of interests, which, as Monitoring Officer, I have a duty to maintain, both for members of this council and for parish councils.
12. In preparing a draft code for the council to consider the Standards Committee has sought to provide a document which meets the requirements of the Act and is:
 - clear and simple
 - easy to apply
 - proportionate
 - fit for the purpose of promoting and maintaining high standards of conduct

13. The Local Government Association (LGA) has worked with a range of stakeholder organisations to produce a short outcome-focused template code to assist authorities in drawing up their own code. A copy is attached at Appendix B. The code is set out on the first page; the second page is a guidance note.
14. The Department for Communities and Local Government (DCLG) has produced an illustrative text that councils can, if they choose, use as a basis for their new code of conduct. This is attached at Appendix C.
15. The Standards Committee has approved a draft code for initial consideration by council, as attached at Appendix D. This draft has been prepared with the aims set out in paragraph 12 above in mind. It draws on the DCLG's illustrative text, and, to a lesser extent the LGA's template code.
16. The draft code, in its preamble, states the 7 principles of conduct from the Act and refers to the Role and Responsibilities of Councillors (Part 12 of the Constitution) and the Council's Behaviours Framework. The substantive part of the code then sets out the conduct expected of members when acting in that capacity. The last part deals with the registration and disclosure of interests, and will need to be reviewed when the regulations on interests are issued.
17. The Members in the Locality Task Group have reviewed the proposals for the new standards framework. Their views are set out in the notes of their meeting on 26 April 2012, attached at Appendix E. In summary, they consider that the DCLG text should be adopted as it stands. The view of the Standards Committee, on advice from myself as monitoring officer, is that the DCLG text requires further provision to give the clarity and enforceability necessary to provide an effective code that enables the council to discharge its duty to promote and maintain high standards of conduct and generate public confidence in local government.
18. Parish councils are strongly encouraged to adopt Wiltshire Council's code, save for those parts shown in square brackets which relate solely to Wiltshire Council. This will ensure consistency in promoting high standards of conduct across Wiltshire and in dealing with complaints under the code.
19. **Council is requested to approve the draft code of conduct at Appendix D for consultation with Wiltshire Councillors and Wiltshire Parish Councillors before final approval is sought at the next meeting of council on 26 June 2012.**

Arrangements for Dealing with Code of Conduct Complaints

20. Relevant authorities, other than parish councils, must put in place arrangements for investigating and determining complaints under the code of conduct and deciding the actions that may be taken if there is found to be a breach of the code.
21. Complaints against members of parish councils are to be dealt with under the arrangements adopted by their principal council. However, any consequential action

in the event of a breach of the code will rest with the parish council.

22. The Standards Committee's proposed procedure for dealing with complaints is attached at Appendix F. A flow-chart summary is included within this document at Annex 2.

23. The procedure aims to be fair, efficient and proportionate. Key features include:

- provision for informal resolution by the Monitoring Officer before a formal complaint is lodged;
- strict time limit of 20 working days for bringing a complaint;
- complaint details sent to the member upon receipt with the opportunity to provide a written response for initial assessment;
- initial assessment by the Monitoring Officer, after consultation with the independent person.
- right of review for both parties at the initial assessment stage and for the complainant following investigation;
- strong emphasis on exploring alternative resolution;
- independent person available for member to consult throughout process;
- confidentiality maintained until determined otherwise;
- shorter process than under the current statutory regime. We are aiming for cases to be completed within 3 ½ months - 20 working days to initial assessment - 30 working days for investigation and 20 working days to hearing). This excludes requests for extension by the member, time spent on reviews and exploring alternative resolution.
- no right of appeal against final determination by the Hearing Sub-Committee;
- provision for the procedure to be reviewed in the light of experience.

24. Annex 1 of the proposed procedure includes a range of possible sanctions that the council may wish to adopt. These are more limited than the sanctions available under the current statutory regime.

25. Sanctions for parish councillors may only be in the form of recommendations to the relevant parish council.

26. **Council is asked to approve the arrangements for dealing with code of conduct complaints, as set out in Appendix F for consultation with Wiltshire Councillors and Wiltshire Parish Councillors before final approval is sought at the next meeting of council on 26 June 2012.**

Appointment of Independent Persons

27. The council must appoint at least one independent person whose views must be sought and taken into account before the council makes a decision on an allegation it has decided to investigate. The views of the independent person may also be sought on other allegations, and by a member who is the subject of an allegation.
28. The Standards Committee has drawn up a job description and person specification for the independent person, based on the statutory requirements. A copy is attached at Appendix G.
29. The proposed arrangements for dealing with complaints envisage that for each complaint one independent person will be allocated to advise and assist the Monitoring Officer and the Hearing Sub-Committee and the other will be available for consultation by the member. This will avoid any conflict of interest between these roles. Council is recommended to appoint 3 independent persons to ensure that there is sufficient cover available to ensure that the timescales set in the complaints process can be met.
30. The Standards Committee proposes that independent persons will normally be appointed for a period of 4 years, but that initial appointments should be staggered to provide for continuity of knowledge and experience. Therefore, one will be appointed for 2 years, one for 3 years and the other for 4 years.
31. **Council is, therefore, asked:**
- a. to approve the job description and specification for the independent person at Appendix G.**
 - b. to authorise the Monitoring Officer, in consultation with the chairman of the new standards committee and/or the chairman of the existing Standards Committee, to take the necessary steps to secure the appointment of 3 independent persons in accordance with paragraph 30 above.**
 - c. to seek the advice of the Independent Remuneration Panel on an appropriate rate of remuneration for the independent person and to bring this back to council for decision on 26 June 2012.**

Standards Committee

32. Under the new provisions there is no longer a statutory requirement to have a standards committee. It is for the council to decide whether it wishes to have one. Unlike the current statutory standards committee any new standards committee will be an ordinary committee of the council and will be subject to the rules on political proportionality. The council may appoint co-opted members but these will be non-voting.
33. The Standards Committee recommends that the council establishes a standards committee to discharge its obligations under the new legislation and continue its current wider role. Proposed terms of reference for a new standards committee are set out at Appendix H. These provide for:
- a politically balanced committee of 13 elected members (excluding the Leader or a Cabinet Member) and up to 8 co-opted non-voting members, 50% of whom are to be parish council representatives.
 - discharge of the council's functions under the new standards framework, and additional responsibilities, including oversight of: the constitution; corporate complaints handling; Ombudsman investigations; and the council's whistleblowing policy.
 - the appointment of sub-committees which are not subject to political balance requirements, including a hearing sub-committee and a review sub-committee, as required under the above arrangements, and a dispensation sub-committee to grant dispensations under the Act.
34. In order to ensure continuity of knowledge and experience it is proposed that initial appointments of co-opted members will be made as follows:
- | | |
|----------------------------------|---------|
| 2 parish council representatives | 3 years |
| 2 independent co-opted members | 3 years |
| 2 parish council representatives | 4 years |
| 2 independent co-opted members | 4 years |
- The arrangements for selection will be determined by the Monitoring Officer in consultation with the chairman of the new standards committee.
35. It will be for parish councils to decide whether they should have a standards committee.
36. Details of the costs associated with establishing a new standards committee compared with the current arrangements are covered under the Financial

Implications section at paragraph 52.

37. Council is, therefore asked:

- a. to agree to establish a standards committee with terms of reference as set out in Appendix H.**
- b. to authorise the Monitoring Officer, in consultation with the chairman of the new standards committee, to agree the arrangements for selection of co-opted members in accordance with paragraph 34 above, for appointment by council at its meeting on 26 June 2012.**

Register of Interests

38. As Monitoring Officer I am required under the new legislation to establish and maintain a register of members' interests for members of Wiltshire Council and Wiltshire Parish Councils. These must be available for inspection at Wiltshire Council's offices, on its web-site, and, for parish councillors, on their parish council's web-site if it has one.
39. Work is in hand to prepare for the implementation of these arrangements, though it is not possible to finalise the form of register until the regulations on interests have been published.

Dispensations

40. Relevant authorities may, on receipt of a written request, grant dispensations for up to 4 years for a member to be able to participate in or vote at meetings where they have a disclosable pecuniary interest. The grounds on which a dispensation may be granted are wider than at present, and are set out at paragraph 32 of the briefing note at Appendix A.
41. It is proposed that this function is delegated to a sub-committee of the standards committee, as provided for in the terms of reference at Appendix H.
42. Parish councils will be responsible for granting dispensations for their own councillors.

Transitional Arrangements

43. The arrangements for moving from the current system to the new will be governed by transitional regulations which are yet to be published. Subject to what the new regulations say, it will be necessary to retain the existing Standards Committee until its responsibilities for dealing with complaints under the present standards regime

have ceased.

- 44. The council is asked, therefore, to retain the current Standards Committee, including the current membership, for such a further period as is necessary to discharge its statutory obligations**

Support to Parish Councils in Implementing the new arrangements

45. Parish councils are being kept informed of progress on these matters, primarily through the Parish Newsletter, and via parish clerks.
46. Subject to council's approval, parish councils will be consulted on the draft code of conduct at Appendix D and the arrangements for dealing with complaints before the council's final approval is sought on 26 June 2012.
47. It is proposed to hold briefing sessions on the new standards framework for all councillors before the council's meeting in June, subject to the regulations on interests being available.
- 48. Council is asked to agree to consult parish councils on the council's proposals for the implementation of the new standards framework in Wiltshire before a final decision is made by council on 26 June 2012.**

Environmental and Climate Considerations

49. None arising from this report.

Equalities Impact

50. The proposals contained in this report are consistent with the council's obligations under the Equality Act 2010.

Risk Assessment

51. Failure to implement the new requirements for standards in local government will breach the council's legal duty to promote and maintain high standards of conduct and is likely to damage the reputation of the council and undermine public confidence in local democracy.

Financial Implications

52. Implementation of the new arrangements will be met within existing resources. As under the current system, work on standards will primarily be undertaken by myself as Monitoring Officer, two Deputy Monitoring Officers (Head of Legal and Head of

Governance), two ethical governance officers and an administrative assistant.

53. The current Standards Committee comprises 22 members - 6 elected members, 8 independent members and 8 parish / town representatives. It is chaired by an independent member. The cost of the Committee amounts to £ 41,503 a year plus travel costs. [Based on the allowances for 2012/13 - £ 5,663 for the chairman of the standards committee and £ 2240 for each independent member and parish / town representative.].
54. Allowances for members and co-opted members of the proposed new standards committee and the level of remuneration for the independent persons will need to be determined by council having regard to the advice of the Independent Remuneration Panel. However, applying for illustrative purposes the same rates for the chairman and co-opted members, and the co-opted member rate of £ 2,240 for each of the 3 independent persons the overall cost for the new arrangements would be £ 30,303 a year plus travel costs.
55. If the council were to decide not to establish a standards committee then all decisions on reviews, hearings and dispensations would need to be made by the Monitoring Officer. This would be likely to generate the need for additional staffing capacity of up to £ 50k.

Legal Implications

56. The new statutory requirements which the council is required to implement are set out in this report and summarised in the briefing note at Appendix A.

Recommendations:

57. Council is, accordingly, recommended:

- (1) To approve the draft code of conduct at Appendix D for consultation with Wiltshire Councillors and Wiltshire Parish Councillors before final approval is sought at the next meeting of council on 26 June 2012.**
- (2) To approve the arrangements for dealing with code of conduct complaints, as set out in Appendix F for consultation with Wiltshire Councillors and Wiltshire Parish Councillors before final approval is sought at the next meeting of council on 26 June 2012.**
- (3) To approve the job description and specification for the independent person at Appendix G.**
- (4) To authorise the Monitoring Officer, in consultation with the chairman of the new standards committee and/or the chairman of the existing Standards Committee, to take the necessary steps to secure the appointment of 3 independent persons in accordance with paragraph 30 above.**

- (5) To seek the advice of the Independent Remuneration Panel on an appropriate rate of remuneration for the independent person and to bring this back to council for decision on 26 June 2012.
- (6) To agree to establish a standards committee with terms of reference as set out in Appendix H.
- (7) To authorise the Monitoring Officer, in consultation with the chairman of the new standards committee, to agree the arrangements for selection of co-opted members in accordance with paragraph 34 above, for appointment by council at its meeting on 26 June 2012.
- (8) To retain the current Standards Committee, including the current membership, for such a further period as is necessary to discharge its statutory obligations
- (9) Council is asked to agree to consult parish councils on the council's proposals for the implementation of the new standards framework in Wiltshire before a final decision is made by council on 26 June 2012.

IAN GIBBONS

SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

Report Author: Ian Gibbons

Appendices

Appendix A - Localism Act Briefing Note December 2011

Appendix B - LGA Draft Code of Conduct

Appendix C - DCLG Illustrative Text for a code

Appendix D - Draft Code of Conduct from Standards Committee

Appendix E - Draft notes from the Members in the Locality Task Group, 26 April 2012

Appendix F - Proposed Complaints Procedure from Standards Committee

Appendix G - Independent Person: Job Description and Person Specification

Appendix H - Proposed Terms of Reference for new Standards Committee

Annex 1 to Appendix F - Range of sanctions under complaints procedure

Annex 2 to Appendix F - Flow chart summary of complaints procedure

WILTSHIRE COUNCIL

BRIEFING NOTE

LOCALISM ACT 2011 - THE NEW STANDARDS REGIME

Introduction

1. The Localism Act 2011 received Royal Assent on 15 November 2011. It makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted members of relevant authorities.
2. This note summarises the key changes to the standards regime introduced by the new Act.
3. References to legislation in this briefing note are to the Localism Act 2011 unless otherwise stated.
4. 'Relevant authorities' include principal councils, parish councils, fire and rescue authorities and police authorities.
5. 'Parish councils' includes parish, town and city councils.
6. 'Member' includes a voting co-opted member.

Predetermination (Section 25)

7. This section clarifies how the common law concept of predetermination applies to members. 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.
8. The section makes it clear that a member 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 member 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.
9. The general position, however, remains that, whatever their views, members 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.

Duty to promote and maintain high standards of conduct (Section 27)

10. This section imposes a general duty on relevant authorities to promote and maintain high standards of conduct by members of the authority.
11. As part of this duty relevant authorities are required to adopt a code of conduct dealing with the conduct that is expected of members of the authority when acting in that capacity.
12. Parish councils may meet this requirement by adopting the code adopted by their principal council, in this case Wiltshire Council.

Standards Committees

13. The current requirements for principal councils to have a statutory standards committee comprising elected, independent and parish council members are removed. There will still be a need for these councils to deal with standards issues and case work and it is, therefore, likely to be appropriate for them to have a standards committee, which will be an ordinary committee of the council. This means that;
 - the membership of the committee would have to be politically balanced, unless the council votes otherwise with no member voting against;
 - the current independent members and parish council members will cease to hold office;
 - the council could appoint independent and parish co-opted members to the standards committee, but these members would not have any voting rights.
14. Parish councils may establish standards committees if they wish to do so.

The Code of Conduct (Section 28)

15. Under the new Act there is no longer a national model code of conduct and no requirement for members to give an undertaking to comply with the code of conduct.
16. The council's new code of conduct must, when viewed as a whole, be consistent with the following principles:
 - selflessness;
 - integrity;

- objectivity;
- accountability;
- openness;
- honesty;
- leadership

17. The code of conduct must also make such provision as the authority considers appropriate for the registration and disclosure of pecuniary and non-pecuniary interests, other than 'disclosable pecuniary interests' which are to be defined in regulations (see further below).

Dealing with Misconduct Complaints (Section 28)

18. Relevant authorities, other than parish councils, must put in place arrangements for investigating and determining complaints under the code of conduct and deciding the actions that may be taken if there is found to be a breach of the code.
19. Complaints against members of parish councils are to be dealt with under the arrangements adopted by their principal council. However, any consequential action in the event of a breach of the code will rest with the parish council.
20. The Act does not give the council any powers to impose sanctions on members, such as suspension or requirements for training or an apology. It is likely, therefore, that action in the event of a breach of the code will be limited to a censure.

Appointment of Independent Persons (Section 28)

21. The arrangements must include the appointment of at least one independent person whose views must be sought and taken into account before the council makes a decision on an allegation it has decided to investigate. The views of the independent person may also be sought on other allegations, and by a member who is the subject of an allegation.
22. There are restrictions on who can be appointed as an independent person. The following are not eligible for appointment:
- current members, co-opted members and officers of the council or of any of the parish councils within its area, or their relatives or close friends;
 - any person who has within the last 5 years been a member, co-opted member or officer of the council or of any of the parish councils in its area;
23. The appointment process must be publicised and transparent.

The Register of Interests (Section 29)

24. The monitoring officer of a relevant authority is required to establish and maintain a register of members' interests, which must be available for inspection and published on the council's website.
25. The monitoring officer of a principal council is also required to maintain the register for each of the parish councils in its area. Their register of interests must be available for inspection at the principal council's offices, on its website, and on the parish council's website, if it has one.

Disclosure of Interests (Section 30)

26. Members of relevant authorities are obliged within 28 days of being appointed as a member to notify the monitoring officer of any 'disclosable pecuniary interest' held at the time of notification. Regulations will determine what will count as a disclosable pecuniary interest. It will include the interests of members themselves, and (if the member is aware of the interest) those of their spouse, civil partner, or any person living with them as their spouse or civil partner.
27. The monitoring officer must enter any notified disclosable pecuniary interest in the council's register, as well as any other interest notified to them, whether pecuniary or non-pecuniary, as required by the council's code of conduct.
28. If a member is aware that they have a disclosable pecuniary interest in any matter to be considered or being considered at a meeting of the council they must disclose the interest to the meeting unless it has already been registered or a request to register it has been sent to the monitoring officer (a 'pending notification'). The member must then notify the monitoring officer of the interest within 28 days of the date of disclosure.

Participation (Section 31)

29. If a member has a disclosable pecuniary interest they must not participate in any discussion of the matter at the meeting, or participate in any vote on the matter, unless they have obtained a dispensation. In the case of a single member of a principal council making a decision under delegated powers the member must not take any steps in relation to the matter.
30. A council may include in its standing orders a requirement for a member to leave the room when a matter in which they have a disclosable interest is discussed or voted upon.

Sensitive Interests (Section 32)

31. Special rules apply where a member and monitoring officer agree that disclosure of details about a registered interest could lead to violence or intimidation of the

member or a person connected with them. In these circumstances details of the interest must be excluded from the register that is made available to the public or published. Such members need disclose only the fact that they have a pecuniary interest in the matter concerned at meetings. They do not have to disclose the details.

Dispensations (Section 33)

32. Relevant authorities may, on receipt of a written request, grant dispensations for up to 4 years for a member to be able to participate in or vote at meetings where they have a disclosable pecuniary interest. Dispensations may be granted if the council considers that:

- without a dispensation the business of the council is likely to be impeded;
- the political balance of the body making the decision is so upset as to alter the outcome of the vote;
- granting the dispensation is in the interests of residents of the council's area;
- without a dispensation all members of the executive are unable to participate in executive business;
- it is otherwise appropriate to grant a dispensation.

33. Unlike the current arrangements parish councils will be able to grant dispensations.

Offences (Section 34)

34. A member commits an offence if they fail, without reasonable excuse, to register or declare a disclosable pecuniary interest or take part in or vote on council business at meetings when prevented from doing so under paragraph 32 above.

35. A member also commits an offence if they provide false or misleading information relating to a disclosable pecuniary interest either deliberately or recklessly.

36. No offence arises in relation to other pecuniary or non-pecuniary interests that may be required to be registered under the code of conduct.

37. The magistrates' court may upon conviction of an offence under this section impose a fine of up to £ 5000 and an order disqualifying the person from being a member of a relevant authority for up to 5 years.

38. Any prosecution must be brought within 3 years of the commission of the offence and only by or on behalf of the Director of Public Prosecutions.

Transitional arrangements

39. The Act gives the Secretary of State power to make transitional regulations. These will provide for:

- transfer of Standards for England cases to principal councils following the abolition of Standards for England;
- a transitional period for the determination of any outstanding complaints under the current Code of Conduct. The Government has indicated that it will allow 2 months for this purpose, but this period will be finalised in the regulations;
- removal of the power of suspension as a sanction from the start of the transitional period;
- removal of the right of appeal to the First Tier Tribunal from the start of the transitional period.

Implementation

40. The new provisions on predetermination (Chapter 6: Section 25) come into effect on **15 January 2012**.

41. The Government intends to abolish Standards for England on 31 March 2012 and to provide for its regulatory role in handling cases and issuing guidance to cease on 31 January 2012.

42. The Government intends to bring the remaining provisions of the new standards regime (Chapter 7: Sections 26 - 37 and Schedule 4) into force on **1 July 2012**.

Next Steps

43. Wiltshire Council's Standards Committee will be considering a report on the new standards framework at its next meeting on 25 January 2012 with a view to making recommendations to Council on the arrangements to be adopted in Wiltshire for consideration at its meeting on 28 February 2012.

Ian Gibbons

Solicitor to the Council and Monitoring Officer

December 2011

Template Code of Conduct

As a member or co-opted member of *[X authority]* I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in *[X authority]* this will be done as follows: *[to be completed by individual authorities]*

As a Member of [X authority], my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the [county][borough][Authority's area] or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

Wiltshire Council

Draft Code of Conduct

You are a member or co-opted member of [] Council and so you shall have regard to the following principles - **selflessness, integrity, objectivity, accountability, openness, honesty and leadership.**

You shall set an example by promoting and demonstrating high standards of conduct, [having regard to the Role and Responsibilities of Wiltshire Councillors [Appendix 1] and Wiltshire Council's Behaviours Framework [Appendix 2]]¹

Therefore, when acting in your capacity as a member or co-opted member:

1. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
2. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
3. You must remain objective at all times, making decisions on merit, having regard to all relevant information, the interests of all parties, and any relevant advice from statutory and other professional officers.
4. You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
5. You must be as open as possible about your decisions and actions and the decisions and actions of your council, and should be prepared to give reasons for those decisions and actions.
6. You must not disclose confidential information unless this is required by the law or permitted by a person authorised to give consent.

¹ Wiltshire Councillors

7. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties, and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
8. You must, when using or authorising the use by others of the resources of your council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
9. You must value your colleagues and staff, engaging with them in a manner that underpins the mutual respect between you that is essential to good local government.
10. You must treat people with respect, including the organisations and public you serve or engage with and those whom you work alongside.
11. You must not bully or intimidate any person.
12. You must not do anything which may cause your council to breach any equality legislation.
13. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Registering and declaring pecuniary and non-pecuniary interests

14. You must, within 28 days of taking office as a member or co-opted member, notify your council's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners.
15. In addition, you must, within 28 days of taking office as a member or co-opted member, notify your council's monitoring officer of any disclosable pecuniary or non-pecuniary interests which your council has decided should be included in the register.
16. If an interest has not been entered onto the council's register you must disclose the interest to any meeting of the council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a sensitive interest.
17. Following any disclosure of an interest which is not on the council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
18. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State.

Additionally, you must observe the restrictions your council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as define by your council.

Draft Code of Conduct v 2 8 May 2012

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Members in the Locality Task Group, 26 April 2012

New Standards Framework

1. The Monitoring Officer provided a verbal briefing on the implications of the Localism Act in terms of the Standards framework, which sets out appropriate conduct for local councillors. The Act requires that all local authorities have a Code of Conduct and that the Code must be applied consistently. Parish/town councils can choose to adopt their upper tier authority's Code or an amended version of it.
2. The definition of councillors' registerable interests was still to be decided and was awaiting ministerial approval.
3. The new Standards regime must be in place by 1st July 2012. Therefore, the meeting of Full Council on 26th June would be Wiltshire's last opportunity to agree this.
4. The Task Group considered:
 - draft arrangements for dealing with Code of Conduct complaints;
 - draft Terms of Reference for the new Standards Committee;
 - a draft Job Description and Person Specification for the 'independent persons' (each council is required to appoint 'independent persons' for providing independent advice to the subjects of complaints and monitoring officers); and
 - draft Code of Conduct produced by the LGA

Arrangements for dealing with Code of Conduct complaints

5. Members felt that councillors should be informed of the details of complaints when they are submitted. This was not a requirement previously and had caused councillors unnecessary distress.
6. It was noted that the new Standards Committee would include independent (unelected) members but only elect councillors would have voting rights or could be elected as Chairman.
7. It was confirmed that councillors who were the subject of complaints could use a person of their own choosing instead of the council-provided independent person.
8. Members agreed that the procedure should make clear that anonymous complaints would not be taken forward unless there was risk to life and limb, in which cases the Monitoring Officer would decide the appropriate course of action.
9. Members agreed that the details of complaints should not be made public until a final decision has been made.

10. Members agreed that complainants should be able to make a concluding statement at Hearings, as could subject members and the investigating officers.
11. Members agreed that all documents relied upon in any investigation should be available to all parties.
12. Members agreed that the process should allow 28 days to make a complaint (from the date of the behaviour in question), 28 days to conduct a investigation and a further 28 days within which to hold a Hearing. 12 weeks was considered a reasonable timeframe in which to deal with a complaint.
13. Members agreed that the Monitoring Officer should 'Dismiss the complaint' rather than 'Take no further action' (which could imply that an infraction of the Code had occurred).
14. Members agreed that a member complained about should be able to proceed straight to a Hearing rather than accept mediation or other action.

Code of Conduct

15. Members considered two template Codes of Conduct; one produced by the LGA and one by the DCLG. Members felt that the latter should be adopted by the Council.
16. The Monitoring Officer advised that the Code to be adopted would need to make provision for prohibiting behaviours such as bullying and harassment and his task was to incorporate these provisions in a style akin to the illustrative DCLG Code. The Chairman of the Standards Committee advised that the last behaviour required under the DCLG Code (copied below) was very broad and could therefore cause determining Standards Sub-Committees some difficulty:

“You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.”
17. Some members felt that the previous Code's prohibition of 'showing disrespect' and 'bringing one's authority into disrepute' amounted to catch-all terms that any complaint could be hung upon. A simpler Code was needed.
18. It was discussed whether the Code of Conduct would need to take account of more general duties upon local authorities such as those set out in the Equalities Act and other legislation. Members felt that this was unfeasible and unnecessary and that the DCLG was unlikely to produce a template Code that infringed Government legislation and that it would be reassuring for town/parish councils for Wiltshire Council to adopt the Code proposed by the Central Government department.

19. The Monitoring Officer reported that he would report the Task Group's recommendations to the Standards Committee and its Task & Finish Group. The composition of the new Standards Committee and documents relating to the 'independent persons' would need to go to Council on 15th May, but the definition of registerable interests and the Code of Conduct itself would wait until 26th June if further work was required.
20. Members of the Task Group voted unanimously to recommend that Council adopt the DCLG Code of Conduct. The Chairman also stated that if any other Code was proposed for adoption at Full Council it was likely an amendment would be moved to adopt the DCLG version.
21. It was noted that the Localism Act gives Standards Committees no particular powers to impose sanctions on councillors. The sanctions included in the draft complaints process therefore consisted of recommendations to Group Leaders to impose sanctions, the Monitoring Officer to arrange (voluntary training) or to town/parish councils where appropriate.
22. Members agreed that the sanctions within the Code should:
 - Include the option for 'Censure';
 - include a recommendation to remove councillors from any or all outside appointments; and
 - publication of the sanctions within the minutes of the council concerned, rather than through publication of the sanctions in some other manner.

Recommendations:

- 1. That the Council adopts the template Code of Conduct produced by the DCLG;**
- 2. That the Council adopts the proposed arrangements for dealing with Code of Conduct complaints and the proposed Terms of Reference for the new Standards Committee, subject to the changes described in the notes above.**

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Wiltshire Council

Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011

1 Context

- 1.1 These arrangements are made under Section 28 of the Localism Act 2011. They set out the process for dealing with a complaint that an elected or co-opted member of Wiltshire Council or of a parish, town or city council within its area has failed to comply with their Code of Conduct.
- 1.2 An overview of the complaints process is attached at Annex 2.
- 1.3 These arrangements are subject to the Council's Procedure for dealing with vexatious complaints.
- 1.4 The Monitoring Officer will determine as a preliminary issue whether a complaint relates to the Code of Conduct and is to be dealt with under these arrangements.
- 1.5 The Monitoring Officer will encourage complainants to explore whether the matter can be resolved without the need to submit a formal complaint under this process.

2 Interpretation

- 2.1 'Member' means a member or a co-opted member of Wiltshire Council, or of a parish, town or city council within its area, against whom a complaint has been made under the Code of Conduct.
- 2.2 'Council' means Wiltshire Council.
- 2.3 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake an investigation of an allegation of misconduct by a Member.

- 2.4 'The Monitoring Officer' is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the arrangements for dealing with complaints of member misconduct. It includes any officer nominated by the Monitoring Officer to act on his or her behalf in that capacity.
- 2.5 'Independent Person' means a person appointed under Section 28(7) of the Localism Act:
- a. whose views must be sought and taken into account before a decision is made on an allegation of member misconduct under these arrangements;
 - b. who may be consulted by the Member about the complaint.
- 2.6 In order to avoid any conflict of interest two Independent Persons will be allocated to each complaint, one to advise and assist the Monitoring Officer and the Hearing Sub-Committee, and the other to be available for consultation by the Member.
- 2.7 'Parish Council' means a parish, town or city council within the area of Wiltshire Council.
- 2.8 'Code of Conduct' means the code of conduct for members which the Council and Parish Councils are required to adopt under Section 27 of the Localism Act 2011.
- 2.9 'Days' means working days.
- 2.10 'Parties' includes the Complainant, Member and the Investigating Officer.
- 2.11 The 'Hearing Sub-Committee' is a sub-committee of the Council's Standards Committee appointed to determine complaints of member misconduct under these arrangements.
- 2.12 The 'Review Sub-Committee' is a sub-committee of the Council's Standards Committee appointed to review a decision of the Monitoring Officer under sections 4 and 6 of these arrangements.
- 2.13 Where a complaint is made against a member of a Parish Council the Clerk to the Parish Council will be notified of the complaint and kept informed of the progress and outcome of the matter.
- 2.14 Documents will be deemed to have been received by the Parties on the seventh day after the date of posting.

3 Making a Complaint

- 3.1 A complaint against a Member under the Code of Conduct must be made in writing on the Council's standard form (*available from the Council's web-site and offices*) and addressed to the Monitoring Officer [*address / e-mail*] within

20 days of the date on which the complainant became aware of the matter giving rise to the complaint.

- 3.2 The Monitoring Officer will acknowledge receipt of the complaint within 5 days of receiving it, and will send a copy to the Member.
- 3.3 The Member will be invited to submit a written response to the complaint within 10 days of the date on which it is sent to them.
- 3.4 At any time during the complaints process the Member may seek advice and assistance in connection with the complaint from a friend or professional legal adviser, in confidence, and/or consult the Independent Person designated for that purpose.
- 3.5 Anonymous complaints will not be accepted for assessment unless the Monitoring Officer is satisfied that there would otherwise be a serious risk to the Complainant's personal safety, in which case the Monitoring Officer will decide how the complaint should be taken forward.

4. Initial Assessment

- 4.1 The Monitoring Officer will review the complaint within 5 days of receiving the Member's response and, after consultation with the Independent Person, will decide whether it merits formal investigation.
- 4.2 In reaching this decision the Monitoring Officer will have regard to the Standards Committee's assessment criteria.
- 4.3 The Monitoring Officer will inform the Parties of his or her decision and the reasons for it in writing.
- 4.4 The Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. This may involve mediation or other suitable action, including training or an apology by the Member.
- 4.5 Where the Member or the Council make a reasonable offer of local resolution, but the Complainant is not willing to accept that offer, the Monitoring Officer may take this into account in deciding whether the complaint merits formal investigation.
- 4.6 If the complaint identifies potential criminal conduct by any person, the Monitoring Officer may call in the Police or other regulatory agencies.
- 4.7 The Complainant or the Member may request a review of the Monitoring Officer's decision at the initial assessment stage.
- 4.8 A review will be determined by a Review Sub-Committee who may decide:
 - a. to dismiss the complaint or take no further action on the complaint;
 - b. to refer the complaint to the Monitoring Officer for investigation or other suitable action, including mediation.

5 Investigation

- 5.1 If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer within 2 days of the decision to investigate and inform the Parties of the appointment.
- 5.2 The Investigating Officer will investigate the complaint in accordance with guidelines produced by the Monitoring Officer and will send a copy of the investigation report, including all documents relied upon as evidence, to the Parties, in confidence, within 30 days of the notification of the Investigating Officer's appointment.
- 5.3 The Parties will be invited to submit any written comments on the report to the Monitoring Officer within 10 days of the date on which the report is sent to them. The Member may request an extension of this timescale.

6 Consideration of Investigating Officer's Report

- 6.1 The Monitoring Officer will, as soon as reasonably practicable, review the Investigating Officer's report and any comments submitted by the Parties, in consultation with the Independent Person.
- 6.2 Where the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct and the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will, after consultation with the Independent Person, inform the Parties that no further action is required.
- 6.3 If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report and findings.
- 6.4 Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct the Monitoring Officer will, after consulting the Independent Person, either refer the matter for hearing before the Hearing Sub-Committee or seek an alternative resolution.
- 6.5 The Complainant may request a review of a decision by the Monitoring Officer, following consideration of the Investigating Officer's report, to dismiss the complaint.
- 6.6 A review will be determined by the Review Sub-Committee who may decide:
 - a. to dismiss the complaint;
 - b. to refer the complaint for hearing by the Hearing Sub-Committee

- c. To refer the complaint to the Monitoring Officer to seek alternative resolution.

7. Alternative Resolution

- 7.1 Where the Monitoring Officer, in consultation with the Independent Person, considers that the matter can reasonably be resolved without the need for a hearing, he/she will consult with the Parties to seek to agree a fair resolution which also helps to ensure higher standards of conduct for the future.
- 7.2 Alternative resolution may involve mediation and may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council or the Parish Council as the case may be. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee, and the relevant Parish Council where appropriate, for information, but will take no further action.
- 7.3 The Member may elect to proceed to a hearing rather than accept alternative resolution.

8. Hearing

- 8.1 If the Monitoring Officer, after consultation with the Independent Person, considers that alternative resolution is not appropriate or, after exploring the possibility, concludes that it is unlikely to be achieved he/she will refer the matter to the Hearing Sub-Committee to conduct a local hearing to determine the complaint. A hearing will be held within 20 days of the date on which the Monitoring Officer refers the matter to the Hearing Sub-Committee for determination, subject to the Member's right to request an extension of time.
- 8.2 The Member may be represented at the hearing by a friend or legal representative.
- 8.3 The Hearing Sub-Committee, supported by the Monitoring Officer, will conduct a pre-hearing review to identify the issues, areas of agreement and disagreement, and to give directions for the efficient conduct of the hearing. This may either be conducted in writing or by a meeting with the Parties.
- 8.4 The Monitoring Officer will notify the Parties in writing of the directions for the hearing.
- 8.5 The Sub-Committee may exclude the press and public from the hearing where it appears likely that confidential or exempt information will be disclosed and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.
- 8.6 At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the

Code of Conduct.

- 8.7 The Complainant will have the right to make a statement in support of their complaint.
- 8.8 The Members of the Hearing Sub-Committee and the Member may ask questions of the Investigating Officer and any witnesses called.
- 8.9 The Member will have an opportunity to give their evidence, to call witnesses and to make representations as to why they consider that they did not fail to comply with the Code of Conduct.
- 8.10 The Members of the Hearing Sub-Committee and the Investigating Officer will have the opportunity to ask questions of the Member and any witnesses called.
- 8.11 The Parties may each make a concluding statement.
- 8.12 The Members of the Hearing Sub-Committee will then withdraw, with the Independent Person, to consider the case, taking advice from the Independent Person and, where necessary, from the Monitoring Officer on law and procedure.
- 8.13 The Hearing Sub-Committee may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint.
- 8.14 If the Hearing Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Parties of this finding and the Hearing Sub-Committee will then consider what action, if any, should be taken as a result of the breach.
- 8.15 The Investigating Officer and the Member will be invited to make representations on the question of sanctions.
- 8.16 The Hearing Sub-Committee will, after consulting the Independent Person, determine what action, if any, to take (or recommend in the case of a parish councillor) in respect of the matter.

9. Sanctions

These are to be determined by the Council. A suggested range of sanctions is included at Annex 1.

In the case of parish, town and city councils these will be in the form of recommendations from the Hearing Sub-Committee.

10. Decision

- 10.1 At the end of the hearing, the Chairman will announce the decision of the Hearing Sub-Committee in summary form.

- 10.2 The Monitoring Officer will send the Parties, and where appropriate the relevant Parish Council, a formal decision notice, which will be published on the Council's web-site and made available for public inspection.

11. Revision of these arrangements

- 11.1 The Council may by resolution agree to amend these arrangements, and has delegated to the Monitoring Officer and the Hearing Sub-Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

12. Reviews

- 12.1 Any request for a review must be made in writing to the Monitoring Officer within 5 days of the date of receipt his/her decision and must set out the grounds for the review.
- 12.2 A review request will be determined by the Review Sub-Committee, after consulting the Independent Person, within 14 days of receipt of the request.

13. Appeals

- 13.1 There is no right of appeal for the Complainant or the Member against a decision of the Hearing Sub-Committee.

14. Confidentiality

- 14.1 All information regarding the complaint will remain confidential until determined otherwise by the Monitoring Officer or Hearing Sub-Committee.

Annex 1 to Appendix F

Possible Sanctions

1. The Council has delegated to the Hearing Sub-Committee such of its powers to take action in respect of individual members of the Council as may be necessary to promote and maintain high standards of conduct. The Hearing Sub-Committee may therefore impose (or, in the case of a parish, town or city councillor, recommend) one or more of the following sanctions:
 - 1.1 Censure and report to the Council or relevant Parish Council; and/or

Removal from Committees, Sub-Committees, Cabinet and Outside Bodies

- 1.2 Recommend to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that the Member is removed from any Committee or Sub-Committee of the Council;
- 1.3 Recommend to the Leader of the Council that the Member is removed from the Cabinet, or removed from particular portfolio responsibilities;
- 1.4. Remove the Member from any or all outside appointments to which he/she has been appointed or nominated by the Council or relevant Parish Council.

Training

- 1.5 Instruct the Monitoring Officer to arrange training for the Member.

Publish

- 1.6 Publish its findings in respect of the Member's conduct in the minutes of the Council or relevant Parish Council.

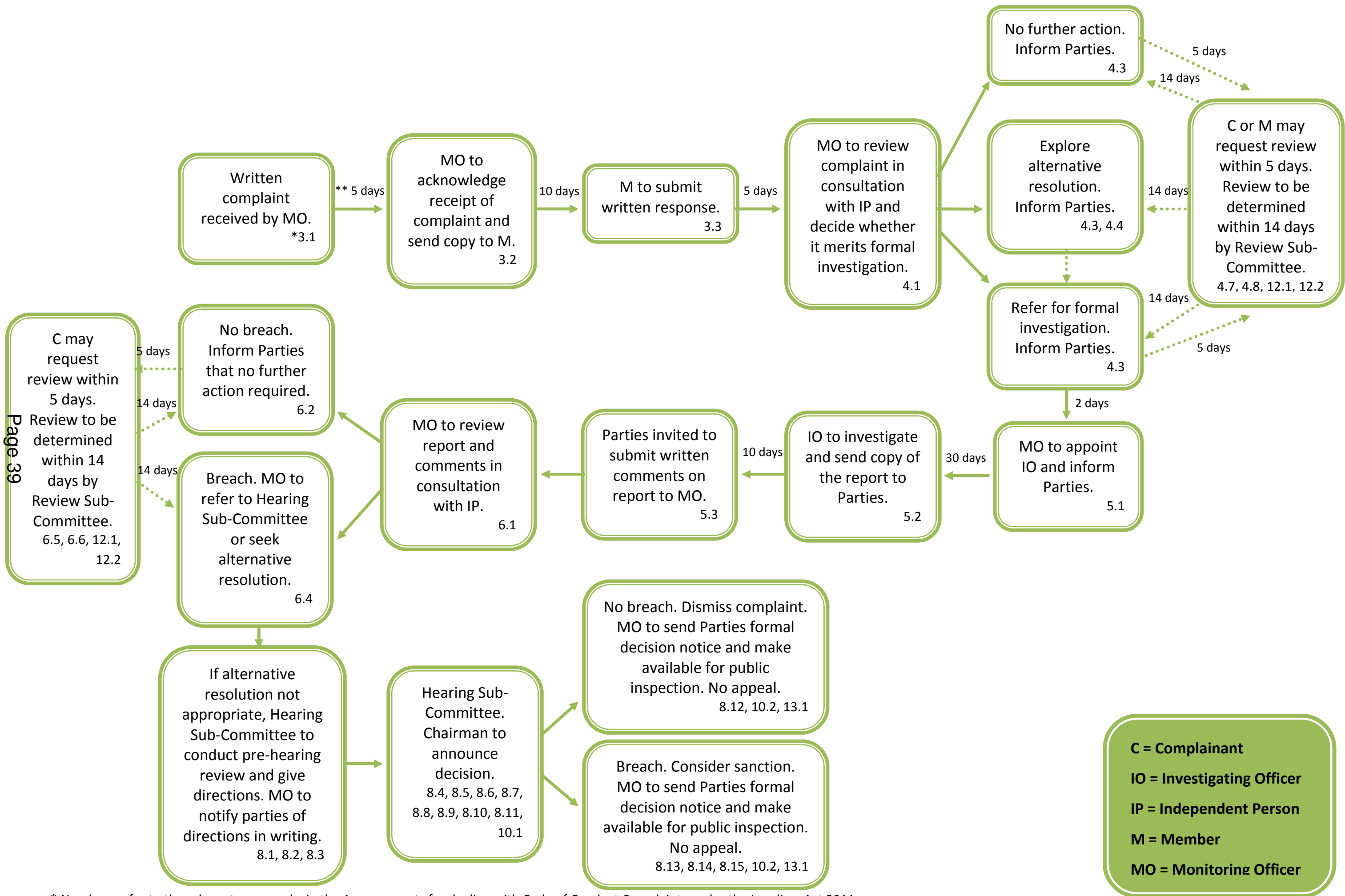
Note:

In the case of *R v Broadland District Council ex parte Lashley* the Court of Appeal recognised that it was within the Council's powers to take action that was calculated to facilitate and was conducive or incidental to, the council's functions (1) of maintaining its administration and internal workings in a state of efficiency and (2) of maintaining and furthering the welfare of its employees.

This may enable a Hearing Sub-Committee to impose restrictions on a member for the purpose of securing the efficient and effective discharge of the Council's functions. These might, for instance, include the withdrawal of certain facilities, such as a computer, e-mail and/or internet access, or exclusion from certain parts of the council's premises, provided that the measures do not interfere with the democratic process. However, this may not be used as a punitive measure nor, in particular, to justify the suspension or disqualification of a member.

Legal advice will need to be taken on the extent to which this potential option may be available in the particular circumstances of each case.

Annex 2 to Appendix F – Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011 – Overview



Page 39

C = Complainant
IO = Investigating Officer
IP = Independent Person
M = Member
MO = Monitoring Officer

* Numbers refer to the relevant paragraphs in the Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011
 ** Days refer to working days

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WILTSHIRE COUNCIL

JOB DESCRIPTION AND PERSON SPECIFICATION

INDEPENDENT PERSON APPOINTED UNDER SECTION 28(7) LOCALISM ACT 2012

Job Purpose

To undertake the statutory role of the Independent Person appointed under section 28(6) of the Localism Act 2011 and to assist the Council generally in discharging its duty to promote and maintain high standards of conduct by members and co-opted members of Wiltshire Council.

Contacts

- Elected and co-opted members of Wiltshire Council and of Parish, Town and City Councils in Wiltshire
- Wiltshire Council officers
- Members of the Public

Key tasks

- Advising and assisting Wiltshire Council in discharging its duty to promote and maintain high standards of conduct by elected and co-opted members of Wiltshire Council.
- Advising elected and co-opted members of Wiltshire Council and of Parish, Town and City Councils in Wiltshire in connection with complaints made against them under their Code of Conduct.
- Advising the Monitoring Officer in connection with the initial assessment of member misconduct complaints in accordance with the Council's arrangements made under section 28(6) of the Localism Act 2011.
- Advising the Hearing Sub-Committee in connection with the determination of member misconduct complaints in accordance with the Council's arrangements made under section 28(6) of the Localism Act 2011.

Person specification

- The post holder must have personal integrity and a commitment to equality and diversity.
- They must be fair and able to take an objective view of sometimes emotive situations.
- They must act with independence and tenacity, and demonstrate skills of persuasion and influence.
- They must be able to exercise sound judgement, and must be able to analyse and solve complex problems.
- They must be able to express their ideas and point of view effectively, while being an excellent listener.
- They must have excellent inter-personal skills.

Equality and Diversity

The Independent Person is obliged to demonstrate and promote a commitment to the Council's Equality and Diversity Policy.

Eligibility

Under section 28(8) and (10) Localism Act 2011 the following persons are not eligible for appointment as an independent person:

- current members, co-opted members and officers of Wiltshire Council or of any parish, town or city council within its area, or their relatives or close friends;
- any person who has at any time during the 5 years ending with the appointment been a member, co-opted member or officer of the council or any of the parish, town or city councils in its area;

For these purposes a person is a relative of another person if they are -

- a. the other person's spouse or civil partner;

- b. living with the other person as husband and wife or as if they were civil partners;
- c. a grandparent of the other person
- d. a lineal descendant of a grandparent of the other person;
- e. a parent, sibling, or child of a person within a. or b. above;
- f. the spouse or civil partner of a person within c., d. or e. above; or
- g. living with a person within c., d., or e. above as husband and wife or as if they were civil partners.

Term of Appointment

The Council plans to appoint 3 independent persons. These will normally be appointed for a period of 4 years. However, in order to ensure continuity of knowledge and experience the initial appointments will be staggered - one for 2 years, one for 3 years and the other for 4 years.

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**STANDARDS COMMITTEE
DRAFT TERMS OF REFERENCE**

Composition

1. This Committee will comprise 13 elected councillors, other than the Leader or any other member of the Cabinet, and up to 8 co-opted non-voting members, 50% of whom shall be serving town, parish or city councillors from within the Council's area who are not councillors or officers of the Council.
2. Appointments to the Committee will be made annually by the Council having regard to the rules on political proportionality.
3. The term of office for co-opted non-voting members will normally be 4 years.
4. Co-opted non-voting members will be eligible for re-appointment for a second term.
5. Substitutes will be permitted in accordance with Part 4 of the Constitution.

Role and Function

6. The Standards Committee is responsible for:
 - promoting and maintaining high standards of conduct by elected and co-opted members and officers.
 - assisting the elected and co-opted members to observe the members' code of conduct.
 - advising the Council on the adoption or revision of the members' code of conduct and the arrangements for dealing with member complaints of misconduct which the Council is required to make under Section 28 of the Localism Act 2011.
 - monitoring and advising the Council about the operation of its code of conduct in the light of best practice and any changes in the law.
 - advising, and, through the Member Development Group, arranging to train elected and co-opted members on matters relating to the members' code of conduct and ensuring that members are aware of the standards expected of them under the code
 - granting dispensations to elected and co-opted members from requirements relating to interests.
 - overseeing the operation of the Council's arrangements for dealing with misconduct complaints against members and co-opted members of Wiltshire Council, and parish, town and city councillors in Wiltshire.
 - overview of the whistle blowing policy.
 - overview of corporate complaints handling and Ombudsman investigations.

- reviewing the implementation of recommendations made by the Ombudsman.
 - oversight of the constitution.
7. The Standards Committee has the power to appoint such sub-committees as may from time to time be necessary for the efficient discharge of its functions. In particular, the Committee will appoint:
 - a. a Hearing Sub-Committee to determine member misconduct complaints under the Council's arrangements.
 - b. a Review Sub-Committee to determine requests for review under the Council's arrangements.
 - c. A Dispensation Sub-Committee to determine requests for dispensation from the requirements relating to interests.
 8. In each case the Sub-Committee shall comprise 3 elected members from whom a chairman will be elected. The Sub-Committee may include 2 non-voting co-opted members of the Standards Committee, one of whom shall be a parish, town or city council representative where the complaint concerns a parish, town or city councillor.
 9. The above Sub-Committees are not subject to the requirements of political balance. The composition of any sub-committee will be determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee on the basis of member availability, drawing from the membership of the Committee and their substitutes and seeking to ensure cross party representation as far as possible.
 10. Members of the Review Sub-Committee may not serve on the Hearing Sub-Committee for the same or a linked complaint.
 11. For the avoidance of doubt decisions of the Sub-Committees will be made by a simple majority of the elected members present.

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR NICK FOGG, MARLBOROUGH WEST DIVISION

TO CLLR LIONEL GRUNDY, CABINET MEMBER FOR CHILDREN'S SERVICES

Question 1

- a) Where would you say responsibility for OFSTED's finding of 'serious and significant shortcomings' in Wiltshire's care for at least some of its vulnerable children may lie?
- b) What precise steps are being taken to remedy these failings?
- c) Is the report in the Gazette & Herald of April 26th, 2012, which stated that care workers had not been invited to child protection meetings, even though they were best placed to represent the child's interests, correct?

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR DAVID JENKINS, WESTBURY NORTH DIVISION

**TO CLLR RICHARD TONGE, CABINET MEMBER FOR HIGHWAYS AND
TRANSPORT**

Question 1

With regard to the car parking alterations made under HT-22-12 for the Queen's Diamond Jubilee, it is important to the people and businesses of Westbury that Saturday the 2nd of June is included.

There will be a whole range of events taking place the Town which has been organised by the Town Council and other outside organisations for over two years. The events will vary in size, the numbers of people who attend and choice. They will run through the Saturday and into the evening. It is part of a comprehensive full four day programme of celebration, therefore in view of this can Saturday the 2nd of June be included in the alterations to parking arrangements?

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

**TO CLLR TOBY STURGIS, CABINET MEMBER FOR WASTE, PROPERTY,
ENVIRONMENT AND DEVELOPMENT CONTROL SERVICES**

Question 1

Does the Council's agreement with ING for the redevelopment of the Bath Road site in Chippenham (a) include an expectation that ING will provide alternative facilities for youth service provision currently housed in the Bridge Centre (such as the cafe) or (b) require a cash payment in lieu?

Question 2

If (a) which facilities fall within the ING remit? Or if (b) can we be given an assurance that all the funds provide under this aspect of the agreement will be used for the re-provision of current youth services?

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

TO CLLR JONATHAN SEED, CHAIRMAN LICENSING COMMITTEE

Question 1

- a) What progress has been made towards revision of the Council's Licensing Policy to take account of recent legislative changes and the Government's published Alcohol Strategy?
- b) Will that revision process include consideration of introducing Cumulative Impact Zones in Wiltshire towns?

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

TO CLLR JANE SCOTT, LEADER OF THE COUNCIL

Question 1

As the Council now has the executive ability to act in licensing matters, and is not confined to a quasi-judicial role, will consideration now be given to including licensing policy in a Cabinet portfolio, and to a revision of officer responsibilities to provide for a more active approach?

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

**TO CLLR LIONEL GRUNDY, CABINET MEMBER FOR CHILDREN'S
SERVICES**

Question 1

- a) What services are now provided by Connexions in Wiltshire?
- b) How are those services being advertised?
- c) How are the services which are no longer being provided by Connexions being made available to the young people who need them?
- d) What steps are being taken to monitor the provision of these kinds of support services in Wiltshire secondary schools?

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR ERNIE CLARK, HILPERTON DIVISION

TO CLLR JANE SCOTT, LEADER OF THE COUNCIL

Question 1

What progress has been made to recover 'the enhanced element of severance' from the former Kennet staff members? Also, I understand that the auditor was of the opinion that the original 'non-pensionable honoraria' payments should not have been made. Accepting that this is the case, what steps are being taken to recover these payments? If no action is being taken could you please explain why.

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 APRIL 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Jane Burton, Cllr Peggy Dow, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Jerry Kunkler (Substitute), Cllr Laura Mayes, Cllr Jemima Milton and Cllr Christopher Williams

Also Present:

Cllr Brigadier Robert Hall

15. Apologies for Absence

Apologies for absence were received from Cllr Nick Fogg and Cllr Chris Humphries (who was substituted by Cllr Jerry Kunkler).

16. Minutes of the Previous Meeting

Resolved:

To confirm and sign as a correct record the minutes of the Committee meeting held on 15 March 2012.

17. Declarations of Interest

There were no declarations of interest.

18. Chairman's Announcements

- (1) National Planning Policy Framework Seminar The Chairman announced that the Area Development Manager would be holding a seminar on the National Planning Policy Framework at 4.45pm on Thursday 26 April 2012, immediately before the start of the next meeting, to which would be invited all Members whose electoral divisions were situated in the area served by this Committee.

- (2) E/2011/1139/OUT – Land east of Quakers Walk, off London Road, Devizes, SN10 2DJ – Development of a Care Village (Use of Class C2) including Access, Car Parking and landscaping The Chairman reported that the applicant had submitted an appeal and that consideration was being given as to what action might be taken.

19. Public Participation and Councillors' Questions

The Committee noted the rules on public participation and the manner in which the meeting would be held.

Members of the public addressed the Committee as set out in Minute No 22, as detailed below.

There were no questions received from members of the public or members of the Council.

20. Appeal Performance 2011

The Committee received and noted a report by the Area Development Manager which detailed the outcomes of decisions made by the Planning Inspectorate on appeals in the area covered by this Committee in 2011.

The Committee were pleased to note that there were no cost awards against the Council for any decisions made by this Committee, the only costs incurred being the officer time in preparing appeal statements.

21. Land at, adjacent to and near 21 Avon Square, Upavon

The Committee received and noted a report by the Area Development Manager which updated Members on action taken in response to a Committee decision made in 2011 on an enforcement matter to secure compliance with a Section 215 'Untidy Land' Notice in relation to land at 21, Avon Square, Upavon.

Joint working with the Council's Highways Team and Sarsen Housing Association had taken place to secure the removal of vehicles and items stored on land at this location, resulting in a measurable improvement to the appearance of the area. It was noted that a legal charge in respect of the sum spent by the Council to carry out its part of the clearance works would be placed on the property and would be recovered at the point of sale.

Cllr Brigadier Robert Hall, the local Member, on behalf of the Upavon Parish Council and the local residents, thanked the officers, and in particular Allan

Brown and Steven Jenkins, Planning Enforcement Officers, for their diligence in securing such a satisfactory outcome.

22. **Planning Applications**

22.a E/2012/0113/FUL - 8 High Street, Market Lavington, Devizes, SN10 4AF - Revised Design of Plot 3 & Plot 4, Revised Site Layout & Parking Arrangements (Amendments to E/10/0965/FUL & E/2011/1110/FUL)

The following people spoke against the proposal

Mr AJ Hopkinson, a local resident
Cllr Colin Osborn, representing Market Lavington Parish Council

The following person spoke in support of the proposal

Mr Shane Marshall, the applicant

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report which recommended that planning permission be granted subject to conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Richard Gamble, as local Member, who did not support the proposal.

After discussion,

Resolved:

To grant planning permission for the following reason and subject to the conditions listed below:

Reason for Decision

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following:

(a) Policy PD1 of the Kennet Local Plan 2011.

(b) Supplementary planning guidance contained in the Market Lavington Conservation Area Statement.

(c) Government policy contained in PPS3: 'Housing' and PPS5: 'Planning for the Historic Environment'.

Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 No development shall commence on site until details of the proposed ground floor slab levels for the dwelling on plot 4 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

3 No development shall commence on site until samples of the materials to be used for the external walls and roofs of plot 4 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and the setting of the listed building.

4 No development shall commence on site until details of the eaves and verges for the dwelling on plot 4 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and the setting of the listed building.

5 No development shall commence on site until details of all new window and external door joinery for plot 4 have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and the setting of the listed building.

6 The rainwater goods to be installed in the development hereby permitted shall be of cast metal construction and finished in black.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

7 The bricks to be used in constructing the walls of the dwelling on plot 4 shall be laid in Flemish bond.

REASON: In the interests of preserving the character and appearance of the conservation area and the setting of the listed building.

8 Notwithstanding the details shown on the submitted plans and particulars, prior to the installation of any external lighting, details of its positioning and appearance shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and the setting of the listed building.

9 Development shall be carried out in accordance with the mitigation measures detailed in Sections 8 and 9.5 of the Updated Bat Survey and Mitigation Report (Home and Country Solutions, September 2010).submitted with planning application reference E/10/0965/FUL. Plot 3 shall not be occupied until written confirmation has been submitted to the Local Planning Authority by a licensed bat worker that all mitigation measures have been completed in accordance with this mitigation scheme.

REASON: To ensure that any impact of development upon bats is properly mitigated.

10 No development shall commence on site until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include details of all boundary treatments, details of the surfacing for the driveway and parking spaces, and details of new tree planting.

REASON: In the interests of preserving the character and appearance of the conservation area and the setting of the listed building.

11 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwellings or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: In the interests of preserving the character and appearance of the conservation area and the setting of the listed building.

12 There shall be no excavations to a depth greater than 2 metres below existing ground levels (as detailed on drawing no. 828-01), unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the site of archaeological interest.

13 No part of the development shall be occupied until the access, turning area and parking spaces have been provided in accordance with the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and the amenity of future occupants.

14 The lean-to structure on the south-west elevation of plot 4 shall be retained as an open ended car port and it shall be kept available at all times for the parking of a car. The structure shall not be enclosed at either end to create a garage nor shall it be used for storage or as habitable accommodation without a separate grant of planning permission.

REASON: To ensure adequate parking on the site in the interests of highway safety.

15 The windows at first floor level shown on the approved plans on the north-west and south-east elevation of plot 3 shall be glazed with obscured glass and shall be so maintained thereafter.

REASON: In the interests of the privacy of neighbouring properties.

16 The dwelling on plot 3 shall not be occupied until the window in the north-east elevation has been infilled with brick to match the existing building.

REASON: In the interests of the privacy of the neighbouring property.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings shall be inserted in the north-east elevation or above ground floor ceiling level in the north-west or south-east elevations of the dwelling on plot 3.

REASON: In the interests of the privacy of the neighbouring property.

18 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

(a) Application Form, Design & Access Statement, Tree Statement and Drawing no. 828-01 received on 11th January 2012.

(b) Drawing nos. 828-02 Rev A & 828-03 Rev A received on 5th February 2012.

19 Notwithstanding the details shown on the plans and the provisions of the Town and Country Planning (General Permitted Development)

Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no doors shall be placed over the entrance to the garage on plot 3.

REASON:

To ensure that the garage is kept available for use for the parking of vehicles, in the interests of highway safety and providing adequate off-street parking.

20 INFORMATIVE TO APPLICANT:

Your attention is also drawn to the conditions imposed on the listed building consent reference E/2012/0114/LBC and dated 5th April 2012.

22.b E/2012/0114/LBC - 8 High Street, Market Lavington, Devizes, SN10 4AF - Revised Design of Plot 3 (Amendment to E/10/0966/LBC)

On considering a report by the Area Development Manager,

Resolved:

To grant Listed Building Consent for the following reason and subject to the conditions listed below:-

Reason for Decision

The proposed works will not be detrimental to the character of the building.

Conditions

1 The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 No works shall commence on site until joinery details of all new windows and internal / external doors (including garage doors) have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

3 The new brickwork for infilling previous openings (where required) shall match the adjacent brickwork in terms of the size, colour and texture of the bricks.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

4 No works shall commence on site until details of any external vents or extracts have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

5 All new roof lights shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

6 All new rainwater goods shall be of cast metal construction and finished in black.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

7 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

(a) Application Form, Design & Access Statement, Tree Statement and Drawing no. 828-01 received on 11th January 2012.

(b) Drawing nos. 828-02 Rev A & 828-03 Rev A received on 5th February 2012.

8 Notwithstanding the details shown on the submitted plans, no garage door shall be placed over the entrance to the garage on plot 3.

REASON:

To define the extent of the consent hereby granted.

9 **INFORMATIVE TO APPLICANT:**

Your attention is also drawn to the conditions imposed on the planning permission reference E/2012/01113/FUL and dated 5th April 2012.

23. Urgent items

There were no items of urgent business.

(Duration of meeting: 6.00 - 6.45 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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

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Wiltshire Council
Standards Committee
Annual Report 2011/12

Foreword by the Chairman

Once again I am delighted to present the Wiltshire Council Standards Committee Report for 2011/2012. It explains who sits on the committee, what it does, its achievements over the last year and the tasks the current committee faces before it retires on 30 June as required by the Localism Act 2011. I know that Wiltshire Council take seriously the need for good governance and high standards of behaviour not only to ensure public confidence in its actions but also so that it is effective in delivering its responsibilities. I am confident this will continue in the future under the new arrangements coming into force on 1 July 2012

It has been a busy year for the Standards Committee and the officers who provide it with excellent support. The main areas of work have been:

- Handling complaints arising from the Wiltshire Council Code of Conduct
- Refining the current local assessment processes to ensure they are efficient and fair with particular emphasis on reducing the time taken to complete investigations of Code of Conduct complaints
- Reviewing the Wiltshire Council Constitution in conjunction with elected members
- Developing proposals for the new standards framework required by the Localism Act 2011
- Supporting and advising Town and Parish Councils on governance issues including the changes brought about by the Localism Act 2011

Discussion at all our meetings has always been open and constructive and I welcome any members of the public who wish to attend and contribute to our discussions. I would like to thank my fellow members and our officers for their hard work and valuable contributions both in committee and at the many other times when they support the committee's work. We have developed sound proposals for the new standards framework using our experience of delivering the current local assessment process and listening to Members, officers and the public's views on it. Most importantly we have reduced substantially the time taken to complete the local assessment process and have introduced informal resolution of complaints at the early possible opportunity. This work has not been easy for either the Committee or its officers due to the number of changes introduced to the proposed act during its parliamentary stages and the current lack of regulations governing the new rules on interests and transitional arrangements.

I am delighted that the Wiltshire Council Standards Committee has continued to play an important role in the effective running of the Council over the last year. High standards of conduct are important in raising public trust in local democracy and the Standards Committee will continue to use its experience and knowledge to support the Council in developing an effective system to ensure these high standards are maintained now the mandatory regime has been abolished until its role is taken over by the new Standards Committee on 1 July this year.

Isabel McCord
Chairman Wiltshire Council Standards Committee

Introduction

Under the Local Government Act 2000 all councils are required to have a standards committee. The Wiltshire Council Standards Committee's main role is to promote and maintain high standards of conduct of the 98 members of Wiltshire Council, co-opted members, church and parent governor representatives, 256 town and parish councillors and of Wiltshire Council's officers.

In achieving this role the committee carries out the following functions:

- assists elected and co-opted members and church and parent governor representatives to observe the members' code of conduct
- advises the council on the adoption or revision of the members' code of conduct
- monitors and advises the council about the operation of its code of conduct in the light of best practice, changes in the law, guidance from the Standards for England and recommendations of case tribunals under Section 80 of the Local Government Act 2000
- advises on training or arranges to train elected and co-opted members and church and parent governor representatives on matters relating to the members' code of conduct
- handles all matters relating to alleged breaches of the code of conduct for elected and co-opted members of Wiltshire Council and the town parish and city councils within Wiltshire Council's jurisdiction
- grants dispensations to elected and co-opted members and church and parent governor representatives from requirements relating to interests set out in the members' code of conduct
- promotes and oversees high standards of ethical governance throughout the council
- overviews the council's whistle-blowing policy
- overviews corporate complaints handling and reviews the implementation of recommendations made by the Ombudsman
- has oversight of Wiltshire Council's Constitution
- considers and determines applications for exemption to the requirements in relation to politically restricted posts.

Members of Wiltshire Council Standards Committee



Independent co-opted members (eight)

Jane Bayley, Michael Cronin, Philip Gill MBE JP, Isabel McCord, Stuart Middleton and Gerry Robson OBE, 2 vacancies

Wiltshire Council members (six)

Cllr Nigel Carter, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Howard Marshall (not pictured) Cllr Julian Johnson and Cllr Ian McLennan. Cllr Malcolm Hewson resigned in May 2011.

Town/parish council co-opted members (eight)

Bill Bailey, Craig McCallum, Paul Neale, Robert Oglesby JP, John Scragg, Pam Turner, Keith Wallace and His Hon David MacLaren Webster QC

The Monitoring Officer

Wiltshire Council's Monitoring Officer, Ian Gibbons, and other officers from the governance team and democratic services team support the Standards Committee in its work. The Monitoring Officer is a statutory role responsible for ensuring that the council, its members and officers carry out their functions in a lawful manner.

Meetings

The following standards committee and sub-committees meetings were held (figures in brackets are for 2010/11):

Standards committee*	7(6)
Assessment sub-committee	14(13)
Review sub-committee	7(4)
Consideration sub-committee	3(8)
Hearing*	3(7)
Dispensation sub-committee*	3(10)

Meetings marked * are usually public meetings. Agenda, papers and minutes are on the Wiltshire Council web site (www.wiltshire.gov.uk).

How does local assessment work?

Wiltshire Council Standards Committee is responsible for receiving all complaints about alleged breaches of the code of conduct made against elected members of Wiltshire Council and the town and parish councils and co-opted members. There is an **initial assessment stage** when the **assessment sub-committee** of the standards committee meets to consider whether the complaint relates to a local member, if it involves a potential breach of the code and, if it does, whether it should be investigated or dealt with by other action such as training or mediation.

Depending on the outcome, the complainant can **appeal against the assessment sub-committee decision**. If this happens a **review sub-committee**, made up of different members of the standards committee from the assessment sub-committee will consider the appeal.

If a complaint is referred for investigation, a **consideration sub-committee** will consider the monitoring officer's investigation report and determine the next procedural steps in the light of the investigating officer's findings.

Finally the complaint will be considered by a **hearing sub-committee**, which will hear evidence and representations to determine if there has been a breach of the code and, if so, what sanctions are appropriate.

Complaints 2011/12

Number of complaints received

51 complaints were received between April 2011 and March 2012

The outcome of the complaints that were assessed was:

Action	Numbers
Investigated/under investigation	20
No investigation	28

The complaints that were not assessed fall into the following categories:

Reasons for no assessment	Numbers
Case closed as sufficient details not provided	0
Not a code of conduct complaint	0
Complaint withdrawn	0
Yet to be assessed	3

Breakdown of Code of Conduct Complaints

Paragraph of Code	Number of times cited 2011/12	Number of time proven 2011/12
3(1) – you must treat others with respect	41	
3(2)(a) – you must not do anything which may cause your authority to breach any of the equality enactments	7	
3(2)(b) - You must not bully any person	13	
3(2)(c) – you must not intimidate any person who is or is likely to be a complainant	8	
3(2)(d) – you must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority	10	
4(a) – you must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonable to be aware, is of a confidential nature	1	
4(b) – you must not prevent another person from gaining access to information to which that person is entitled by law	3	
5 – you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute	31	1
6(a) – you must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage	20	
6(b)(i) – You must, when using or authorising the use by others of the resources of your authority, act in accordance with your authority’s reasonable requirements	0	

Paragraph of Code	Number of times cited 2011/12	Number of time proven 2011/12
6(b)(ii) – you must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes)	0	
6(c) – you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a)	0	
8(1)(a) – you have a personal interest in any business of your authority where either it relates to or is likely to affect: (ii) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority; (ii) any body – (aa) exercising functions of a public nature; (bb) directed towards charitable purposes; (cc) 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.	4	
8(2)(a) – you have a personal interest in any business of your authority where either it relates to or is likely to affect a member of your family or any person with whom you have a close association	8	
9 (1) – subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.	9	
10 – subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.	13	
12 (1) – subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority you must withdraw from the chamber where a meeting considering the business if being held	0	
12(1)(c) – subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority you must not seek to improperly influence a decision about that business	1	

13 (1)(b) – subject to paragraph 14, you must, within 28 days of your election or appointment to office (where that is later), register in your authority’s register of members’ interests details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority’s monitoring officer.

1

The work of the Wiltshire Council Standards Committee April 2011 – March 2012

Localism Act 2011

The committee considered the proposals in the Localism Bill during its passage through Parliament and the changes that would be required to the Council’s standards framework. Once the Localism Act received Royal Assent on 15 November 2011 it noted the significant changes made to the earlier proposals in the Bill and refined its proposals for the new standards framework accordingly.

The committee has developed proposals for Council to consider on:

- Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011 including possible sanctions
- Terms of Reference for a new standards committee which will be an ordinary committee of the Council whose voting members will be drawn from members of Wiltshire Council
- Job Description and Person Specification of the Independent Persons appointed under Section 28(7) of Localism Act 2011

These proposals have been drawn up taking into account the views of the Constitution Focus Group.

The Committee has not developed a new code of conduct. It is awaiting further detail of a possible national template code and the regulations concerning the new rules on interests.

The Committee has considered how to support Town, Parish and City Councils in preparing for the new standards framework. To this end the Monitoring Officer wrote to them on 30 December 2011 updating them of the impact of the Act upon them. Further updates have been given primarily through the Parish Newsletter. Also the training package for Town, Parish and City Councils has been amended to include reference to the Localism Act.

Local assessment

The majority of Committee members sat on the various sub-committees involved in local assessment of code of conduct complaints.

The committee received regular updates on the number of complaints regarding alleged breaches of the code of conduct. In the case of complaints going forward to investigation it has been a significant challenge to achieve completion of the Investigating Officer's Report within the 6 months timescale set by the Committee. This has occurred mainly as a result of factors outside the Committee and Investigating Officers' control. The Committee understands the stress this puts on the Member concerned and apologises to Members where investigations have taken longer than 6 months.

The local assessment process was kept under review, which resulted in the Assessment Sub Committee giving specific direction to Investigating Officers on the areas of the complaint to be investigated and for the Findings of Fact to be clearly identified in the Investigating Officers' report. This has helped to reduce the time taken to complete the investigations.

Review of Wiltshire Council's Constitution

After reviewing the Wiltshire Council constitution in 2010 in the light of six months of operation after the move to a unitary council, Council, on the recommendation of the Standards Committee, asked that the Constitution Focus Group continue its work on developing the constitution in the light of the changes required by Localism Act 2011 and other changes in Council procedures to increase its efficiency.

The Focus Group has cross-party representation and includes four of the five political group leaders of the Council. It also includes representation from the Standards, Audit and Scrutiny Select Committees and is chaired by Mrs Isabel Mc Cord, Chairman of the Standards Committee.

The Focus Group met on four occasions between April 2011 and March 2012 to consider the following areas of the constitution:

- Changes to the Budget Process
- Media Relations Protocol
- Questions and Motions on Notice
- Senior Management Restructuring
- Contract Regulations
- Localism Act:
 - Standards Framework
 - Planning Code Of Good Practice

The Focus Group made a number of recommended changes to the constitution as documented in reports presented to meetings of the Standards Committee. The recommended changes were accepted by the Standards Committee and reported to Council meetings during the year. The Standards Committee's recommendations were accepted by the Council.

Politically Restricted Posts – Applications for Exemption

The Committee have taken on the responsibility considering applications for exemption from the holders of politically restricted posts. These applications will be determined by the Dispensation Sub-Committee. To date no applications have been received.

Local Government Ombudsman

In September Mrs Barbara Hedley, Assistant Local Government Ombudsman, gave a presentation on the role of the Ombudsman including recent changes and possible future development. It was noted that overall response times had slipped but it was hoped that this would be addressed under the systems review of complaints.

Standards Committee Plan

The Committee were updated in respect of the priorities in the Standard's Committee's plan at their meetings in November 2011 and March 2012.

Acceptable Usage policy – for email, internet and computer use

The Committee considered and endorsed a report which presented changes to the existing email, internet and computer use policy.

Annual Governance Statement

The committee considered the annual governance statement and made some revisions prior to it being considered by Cabinet and Audit Committee.

Wiltshire Council Behaviours Framework

The Committee received a briefing on the Wiltshire Council Behaviours Framework by Councillor Laura Mayes and Councillor Allison Bucknell at its meeting on 23 November 2011. This was very well received by the Committee and allowed it to see how it could support this important initiative.

Wiltshire Council Website

Work has been undertaken to ensure information on Standards of Behaviour in local government is easily accessible on the Wiltshire Council Website

Tasks for 2012/13

The Committee will finalise its proposals for the complaints procedure and organisational structures of the new standards framework for presentation to Council at its meeting on 15 May 2012. These proposals were explained to Wiltshire Councillors at their Localism Act 2011 briefing in April 2012.

It will make recommendations on a new Code of Conduct taking into account the development of a national code and the regulations regarding interests as well as drawing on the experience of the current code for Wiltshire Councillors.

The committee will continue to implement the current local assessment processes in a fair, efficient and proportionate manner until the new standards framework under the Localism Act comes into force on 1 July 2012 as well as complete its other core functions:

- consider the local government Ombudsman's annual report
- provide views on the council's annual governance statement prior to adoption by the audit committee
- review the effectiveness of the council's whistle-blowing policy

- ensure members' compliance with the code of conduct in respect of the completion of the register of members' interests and gifts and hospitality forms.

The Committee will continue to ensure support and training is provided to Town and Parish Councils on both effective governance and standards of behaviour. In addition the Committee will continue to update Town, Parish and City Councils on the new standards framework and will send the draft Arrangements, Standards Committee and Job Description for the Independent Members to Parish, Town and City clerks and WALC as well as including them in the April Parish Newsletter.

This report has been produced by Wiltshire Council's Standards Committee.

If you would like further information about the content or the work of the standards committee please contact:

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Minutes of the standards committee can be found on the following link of the council's website:

<http://cms.wiltshire.gov.uk/standards committee>

You can also contact us by writing to: The Standards Committee, c/o the Monitoring Officer, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN

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