

# AGENDA

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**Meeting:** Standards Committee  
**Place:** The Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 7 June 2017  
**Time:** 12.00 pm

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**A training session for members and substitutes of the Committee will take place on the rising of the meeting.**

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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## Membership:

Cllr Paul Oatway QPM (Chairman)	Cllr Peter Evans
Cllr Howard Greenman (Vice Chairman)	Cllr Peter Fuller
Cllr Derek Brown OBE	Cllr Russell Hawker
Cllr Allison Bucknell	Cllr Ruth Hopkinson
Cllr Anna Cuthbert	Cllr Bob Jones MBE
	Cllr Fred Westmoreland

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## Substitutes:

Cllr Richard Britton	Cllr Peter Hutton
Cllr Trevor Carbin	Cllr George Jeans
Cllr Ernie Clark	Cllr Gordon King
Cllr Sue Evans	Cllr Brian Mathew
Cllr Nick Fogg MBE	Cllr Graham Wright
Cllr Chris Hurst	

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## **Public Participation**

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

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

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

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

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes** (*Pages 5 - 8*)

To confirm the minutes of the meeting held on 25 April 2017.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 31 May 2017 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 2 June 2017. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Status Report on Complaints** (*Pages 9 - 10*)

To receive an update on Code of Conduct complaints.

7 **Appointment of Constitution Focus Group** (*Pages 11 - 16*)

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

8 **Date of Next Meeting**

To confirm the date of the next meeting as 13 September 2017.

9 **Urgent Items**

To consider any items considered, in the opinion of the Chairman, to be urgent.

**Part II**

*Item(s) during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed*

## **STANDARDS COMMITTEE**

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### **MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 25 APRIL 2017 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Paul Oatway QPM (Chairman), Cllr Allison Bucknell (Vice Chairman), Cllr Trevor Carbin, Cllr Julian Johnson, Cllr Glenis Ansell (Substitute) and Cllr Magnus Macdonald (Substitute)

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#### **15 Apologies for Absence**

Apologies were received from Councillors Desna Allen, Rosemary Brown, Howard Greenman, Sheila Parker and Mr Philip Gill MBE JP and Miss Pam Turner.

Councillor Allen was substituted by Councillor Glenis Ansell.

#### **16 Minutes**

The minutes of the meeting held on 26 January 2017 were presented for consideration. The minutes of the review sub-committee held on 2 February 2017 were also received.

#### **Resolved:**

**To approve and sign as a true and correct record the minutes of the meeting held on 26 January 2017.**

#### **17 Declarations of Interest**

There were no declarations.

#### **18 Chairman's Announcements**

Through the Chair it was announced that Mr Paul Neale had resigned as a non-voting co-opted member of the Standards Committee, to which he had been appointed in 2009/10 as a parish council representative, as owing to ill health he was no longer able to carry out responsibilities. On behalf of the Committee the Chairman thanked Mr Neale for all he had done to support the Committee and wish him a full and speedy recovery and the very best for the future.

As it was the final meeting of the Committee ahead of the May 2017 local elections, the Chairman thanked all members for their contributions, as well as

the officers who had supported and would continue to support the Committee in its work.

19 **Public Participation**

There were no questions or statements submitted.

20 **Appointment of Standards Independent Persons**

The Chairman verbally reported to the Committee that in accordance with its decision on 26 January 2017 the council had advertised for the positions of three Independent Persons, who would support the Monitoring Officer and councillors in respect of the standards complaints process.

The Chairman, Vice-Chairman and Miss Pam Turner, working with the Monitoring Officer, had assessed applications and prepared a shortlist of candidates for interview. Interviewing six candidates, three excellent candidates had been selected as follows:

Mrs Caroline Baynes, Mr Stuart Middleton, Mr Tony Drew.

Mrs Baynes and Mr Middleton were existing Independent Persons, with Mr Drew a new selection.

The Chairman also thanked the outgoing Independent Person Mr Colin Malcolm, who had not reapplied for a new term, for his exemplary work since July 2012 in shaping the statutory role.

It was therefore requested that the Committee endorse the recommendation to Council for the appointment of the three persons listed above.

**Resolved:**

**To recommend that Council appoint Mr Caroline Baynes, Mr Stuart Middleton and Mr Tony Drew to the position of Independent Person.**

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

A report was received from the Monitoring Officer on the future appointment of non-voting co-opted members of the Standards Committee. The terms of reference for the Committee provide for the appointment of up to 8 non-voting co-opted members, 50% of whom must be serving town, parish or city councillors from within the Council's area who are not councillors or officers of the Council. For the current council term Full Council had resolved that four such members be appointed.

The Committee discussed the report, which invited them to consider whether it should continue to recommend the appointment of non-voting members, which was not a requirement, how many, and the arrangements for their appointment.

The Committee considered that the four co-opted members provided valuable input to the work of the Standards Committee, as detailed in the report, including across constitutional work and review and hearing sub-committees. They also considered that the number of co-opted members was currently correct considering the commitments and level of remuneration provided and the number of complaints received by the council.

Therefore, it was resolved:

**Resolution:**

**To recommend that Council approve that four non-voting co-opted members be appointed, and to delegate the appointment of any non-voting co-opted members to the Standards Committee and the arrangements for selection of such members to the Monitoring Officer in consultation with the Chairman of the Standards Committee.**

22 **Status Report on Complaints**

A report from the Monitoring Officer was received detailing the latest position regarding complaints received, including details of those referred for investigation.

**Resolved:**

**To note the update.**

23 **Code of Conduct Training**

A report was received detailing the proposed arrangements for training on the Code of Conduct for unitary and parish councillors following the local elections in May 2017. As principal authority Wiltshire Council is responsible through its Standards Committee and Monitoring Officer for dealing with all complaints made under the respective codes of conduct for the 256 parish, town and city councils within the unitary authority area.

The Committee was in agreement that all members and co-opted members therefore need to be aware of their obligations under their respective codes of conduct, and supported the proposed approach to provide training for all unitary councillors as part of their inductions, with follow-up workshops, and regional sessions for parish councils to attend. The Committee strongly encouraged all members to attend sessions when they were held, and supported measures to provide fuller training to parish councils on their obligations to both resolve difficulties and prevent them occurring.

The Committee also discussed informal or alternate resolutions that could be used to resolve standards issues, and that this should be encouraged further in the new council.

**Resolved**

**To endorse the proposed arrangements for training of unitary and parish councillors on the code of conduct following the elections in May 2017.**

24 **Forward Plan and Date of Next Meeting**

The date of the next meeting was confirmed as 7 June 2017, and the proposed forward plan was presented.

**Resolved:**

**To approve the proposed forward plan.**

25 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 2.35 pm)

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

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### Complaints referred for investigation since 1 January 2016

Case reference	Date of Assessment	Progress
WC-ENQ00137	22/03/2016	Hearing Sub-Committee 01/09/2016 – Investigating officer's finding of breach agreed – file closed 06/09/2016
WC-ENQ00153	08/07/2015	Investigation report sent to parties for comment 11/05/2017 (in conjunction with WC-ENQ162 & WC-ENQ00190)
WC-ENQ00162	21/12/2016	Investigation report sent to parties for comment 11/05/2017 (in conjunction with WC-ENQ00153 & WC-ENQ00190)
WC-ENQ00165	09/09/2016	Investigating Officer appointed 22//05/2017 – investigation in progress (in conjunction with WC-ENQ00181)
WC-ENQ00167	09/09/2016	Investigation report with MO for review
WC-ENQ00172	04/10/2016	Investigating Officer appointed 02/05/2017 – investigation in progress
WC-ENQ00173	04/10/2016	Investigation report with MO for review
WC-ENQ00178	21/12/2016	Investigating Officer appointed 30/03/2017 – investigation in progress
WC-ENQ00181	09/11/2016	Investigating Officer appointed 22//05/2017 – investigation in progress (in conjunction with WC-ENQ00165)
WC-ENQ00190	21/12/2016	Investigation report sent to parties for comment 11/05/2017 (in conjunction with WC-ENQ00153 & WC-ENQ00162)

Page 10

The types of complaints received in 2017 are categorised as follows:

Type of complaint	Number
Non-disclosure of interests/participating and voting at meetings	3
Inappropriate behaviour i.e. disrespect/bullying	3
Failing to act in the public interest	2
Failing to respond to letter/emails or to provide information/lack of communication	1
Inappropriate use of social media	1
Bringing council into disrepute	1
Showing bias towards/against parishioners	7
Deliberate misrepresentation of facts	1
<b>Total</b>	<b>19</b>

## **Wiltshire Council**

### **Standards Committee**

**7 June 2017**

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#### **Appointment of Constitution Focus Group**

##### **Purpose**

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

##### **Background**

2. Since its creation as a unitary authority in 2009 the Council has appointed a Constitution Focus Group to advise and assist the Monitoring Officer and the Standards Committee in their respective roles of overseeing the Council's Constitution.
3. This has proved to be a very useful forum for reviewing the effectiveness of the Constitution and advising the Standards Committee before the Committee makes any final recommendations on changes to the Constitution for adoption by full Council. It is proposed that this arrangement continues.

##### **Main Considerations**

4. Membership of the Constitution Focus Group has to date included:
  - a member from each political group on the Council nominated by Group Leaders;
  - A member of the Overview and Scrutiny Management Committee;
  - A member of the Audit Committee;
  - Two co-opted non-voting members of the Standards Committee (one of which should be a town/parish council representative);
  - The Chairman of the Standards Committee;

Other Councillors and Officers are invited to attend as and when requested to assist in its work.

5. The Focus Group meets several times a year according to the level of business in its work programme. Referrals are generally made via the Standards Committee from full Council, its Committees or the Monitoring Officer, who is responsible for ensuring that the Constitution remains fit for purpose and up to date.

6. The business of the Constitution Focus Group has included significant revision of various parts of the Constitution, including the provisions on public participation at meetings, councillor questions, the council's petition scheme, updates to the schemes of delegation, financial and contract procedure rules and the protocol on councillor-officer relations.
7. Proposed revisions to the terms of reference of the Constitution Focus Group are set out in Appendix 1.

#### **Environmental and Climate Implications**

8. None arising from this report.

#### **Public Health Implications**

9. None arising from this report.

#### **Safeguarding Implications**

10. None arising from this report.

#### **Procurement Implications**

11. None arising from this report.

#### **Equalities Implications**

12. The arrangements are consistent with the Council's obligations under the Equality Act 2010.

#### **Risk Implications**

13. None arising from this report.

#### **Financial Implications**

14. None arising from this report.

## **Legal Implications**

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

## **Recommendation**

16. The Standards Committee is, therefore, asked to appoint the membership of a Focus Group on the Constitution for the forthcoming year on the basis set out in paragraph 4 above and to approve revised terms of reference as set out in Appendix 1.

**Ian Gibbons,**

**Associate Director, Legal and Governance and Monitoring Officer**

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Appendix 1 – Proposed revised terms of reference for the Constitution Focus Group

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## CONSTITUTION FOCUS GROUP

### TERMS OF REFERENCE

To undertake the following:

- ongoing review work on the constitution as and when required;
- producing user friendly summaries of the relevant parts of the constitution for use by members of the public and members of the Council and

specifically to review the constitution in light of any changes in the legislation

- To consider the views of (as appropriate):
  - elected and co-opted members of the Council
  - officers
  - decision making bodies of the Council
  - town, parish and city councils and
  - members of the public

ascertained through questionnaire responses and appropriate methods of communication and make appropriate recommendations

- To offer a councillor perspective on and accordingly to influence key issues within the constitution.
- To advise the Standards Committee of final recommendations on any changes to the constitution for consideration and onward recommendation to Council.

#### Membership

- (i) a member from each political group on the Council nominated by group leaders;

**Conservative:**

**Liberal Democrat:**

**Independent:**

**Labour:**

- (ii) a member of the Overview and Scrutiny Management Committee;
- (iii) a member of the Audit Committee;
- (iv) two co-opted non-voting members of the Standards Committee (one of which to be a town/parish representative);

(v) the Chairman of the Standards Committee

and

(vi) that appropriate Councillors and Officers are invited to attend as and when requested by the Focus Group or its Chairman to assist it in its work.

#### Chairmanship

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