

## STANDARDS COMMITTEE

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### MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 26 SEPTEMBER 2018 AT KENNET ROOM - WILTSHIRE COUNCIL OFFICES, COUNTY HALL, TROWBRIDGE.

#### Present:

Cllr Derek Brown OBE, Cllr Allison Bucknell, Cllr Ernie Clark, Cllr Peter Evans, Cllr Peter Fuller, Cllr Howard Greenman (Vice-Chairman), Cllr Ruth Hopkinson, Cllr Bob Jones MBE, Cllr Paul Oatway QPM (Chairman), Cllr Fred Westmoreland, Cllr Stuart Wheeler, Mr Richard Baxter, Mr Philip Gill MBE and Mr Michael Lockhart

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#### 31 Apologies

There were no apologies.

#### 32 Minutes

The minutes of the meeting held on 20 June 2018 were presented for consideration and it was,

#### Resolved:

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

#### 33 Declarations of Interest

There were no declarations.

#### 34 Chairman's Announcements

With the agreement of the Committee the agenda item on the Local Government and Social Care Ombudsman Complaint was brought forward to immediately after the public participation item.

#### 35 Public Participation

There were no questions submitted.

Mr Francis Morland made statements in relation to the proposed changes to Part 4 of the Constitution, requesting that it be formally noted by the Committee that additional revisions to the section on substitutions would follow at a future date, and in relation to the R (Harvey) v Ledbury Town Council case, noting it

was a very important case and that the town council in the case had in his view been incorrectly advised by the National Association of Local Councils.

36 **Local Government and Social Care Ombudsman Complaint**

Debbie Medlock, Interim director of Learning Disabilities and Mental Health, provided an update in relation to the report on the findings of the Local Government and Social Care Ombudsman which had found Wiltshire Council at fault in a case regarding the provision of respite and transport to a particular family, and how it had been assessing cases generally.

It was reported that Cabinet had been updated on 3 July 2018 on the actions taken in respect of the conclusions raised by the Ombudsman, and that all relevant cases, over 100, were being reviewed to ensure the needs were all being appropriately met.

The Committee discussed the report and update, seeking details of how the legislative obligations of the council were made clear to staff and the public. Assurances were sought that Wiltshire Council had accepted its failings in this case and that appropriate lessons had been learned to prevent a reoccurrence.

At the conclusion of discussion, it was,

**Resolved:**

**To note the report and the actions taken by the Council in response to the complaint and to request a further update in 6 months.**

37 **Local Government Ombudsman's Annual Review Letter 2017 - 2018**

A report was received regarding the Annual Review letter for 2017/18 from the Local Government and Social Care Ombudsman (LGSCO) regarding the number of service complaints referred from Wiltshire Council and their outcomes. It was noted that the number of complaints referred and those complaints which had been upheld had fallen since the previous year.

The Committee discussed the letter, noting that the most critical issue was that the council had open and transparent processed rather than the volume of complaints, though the number being upheld falling to 40% was welcomed as a positive outcome. It was stated that work was undertaken with services to address where necessary issues giving rise to complaints received.

At the conclusion of discussion, it was,

**Resolved:**

**To note the outcome of the LGSCO's Annual Review Letter 2017-18.**

### 38 **Status Report on Code of Conduct Complaints**

A report was received from the Monitoring Officer on the figures to date and the status of Code of Conduct Complaints.

In discussing the report, it was requested that a review of other comparable local authorities be undertaken to analyse the level and type of complaints received more closely, including the proportions of complaints against parish councils versus councillors on the principal authority. Details were also sought on pro-active action taken by the Monitoring Officer where multiple complaints were made in relation to a single council, including the offering of training where appropriate.

At the conclusion of discussion, it was,

#### **Resolved:**

**To note the status of Code of Conduct complaints and to undertake a review of other councils' Code of Conduct complaints.**

### 39 **Code of Conduct Training Update**

A report was received from the Monitoring Officer detailing action taken regarding developing additional training and support for town and parish councils. It was stated that the council's HR service had been contacted regarding how to develop a program of work, and discussions had been held with the Society of Local Government Clerks regarding bespoke training on particular issues. It was also noted the National Association of Local Councils had requested of government a budget of £2million to produce a national training programme.

The Committee discussed the report, noting that in a survey 40% of local councils had not received any training, and reiterating its view that while it was not a responsibility of the Council to train parishes, it was an overall benefit if local councillors were aware of their responsibilities and roles to a greater degree. It was raised that the hiring and training of qualified clerks was highly important to the effectiveness of local councils, and that Chairmanship skills were also highly influential. It was raised whether Wiltshire Council could possibly try to assist in both of these areas.

At the conclusion of discussion, it was,

#### **Resolved:**

**To note the progress of developments to date and request the Monitoring Officer in consultation with the Chairman take such action as necessary to progress a possible training and development programme.**

40 **Recommendations from the Constitution Focus Group**

A report was received from the Monitoring Officer on proposed changes to the Constitution as recommended by the Constitution Focus Group. The changes were in relation to Part 4 - Council rules of procedure, Protocol 1 - Member/Officer relations, and Part 11A - Corporate Parenting Panel.

The Committee discussed at length the proposed changes, noting in particular that additional guidance on both substitution arrangements and the access of confidential papers would be discussed with Group Leaders before further consideration.

The Committee thanked the Focus Group for their ongoing review of the Constitution, and supported the proposed changes.

It was also agreed that Councillor Stuart Wheeler would be appointed to the Focus Group as a substitute for the Chairman of the Committee.

At the conclusion of discussion, it was,

**Resolved:**

**To recommend that Council approve the changes to the Constitution as proposed by the Constitution Focus Group.**

**To appoint Councillor Stuart Wheeler to the Constitution Focus Group as a substitute for the Chairman of the Committee.**

41 **Constitutional Change: Adoption of procedures and fees in relation to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**

A report to the Licensing Committee was received as a minor constitutional change to the Scheme of Delegation was included as a result of adoption of procedures and fees in relation to new Animal Welfare regulations. It was reported that the Licensing Committee had met earlier in the day and approved the report, and therefore it was.

**Resolved:**

**That the proposed change to Part 3D4 of the Constitution be recommended for adoption at Council.**

42 **Briefing: R (Harvey) v Ledbury Town Council**

An update was received on a recent legal case relevant to Standards matters, R (Harvey) v Ledbury Town Council. It was stated that the key issue was that there was a specific need to follow separate arrangements in relation to grievance procedures and Code of Conduct matters, and particularly that if a grievance procedure in relation to staff issues were utilised at a council, these

could not impose sanctions that could only be imposed following a Code of Conduct procedure under the Localism Act 2011.

In discussion it was requested that the decision be circulated and emphasised to all parishes.

**Resolved:**

**To note the briefing update.**

43 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.25 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)

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