

STANDARDS COMMITTEE

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 26 JUNE 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Derek Brown OBE, Cllr Allison Bucknell, Cllr Ernie Clark, Cllr Peter Evans, Cllr Peter Fuller, Cllr Howard Greenman (Vice-Chairman, in the Chair), Cllr Ruth Hopkinson, Cllr Fred Westmoreland, Mr Mike Lockhart, Cllr Richard Britton (Substitute) and Cllr Gordon King (Substitute)

21 **Apologies**

Apologies were received from Councillors Bob Jones MBE, Paul Oatway QPM and Stuart Wheeler, and Co-opted Members Richard Baxter and Pam Turner.

Councillor Jones was substituted by Councillor Gordon King. Councillor Wheeler was substituted by Councillor Richard Britton.

In the absence of the Chairman Councillor Howard Greenman, Vice-Chairman, chaired the meeting.

22 **Minutes**

The minutes of the meeting held on 1 May 2019 were presented and it was,

Resolved:

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

23 **Declarations of Interest**

There were no declarations.

24 **Chairman's Announcements**

There were no announcements.

25 **Public Participation**

There were no statements or questions submitted.

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

Sukdave Ghuman, Team Leader Public Law and Compliance, presented a report on the status of existing code of conduct complaints. Details were provided of the number of complaints received, the nature of the complaints and the outcomes of any assessments concluded between 1 April 2019 and 18 June 2019.

9 complaints were received in that time. Details were sought on what constituted a failure to act in the public interest in a complaint, and it was stated that it encompassed a broad range of alleged behaviours.

It was then,

Resolved:

To note the current position on Code of Conduct complaints.

27 **Amendment to the Terms of Reference of the Constitution Focus Group**

Kieran Elliott, Senior Democratic Services Officer, presented a report recommending amendments to the terms of reference of the Constitution Focus Group.

As noted in the report the membership of the Focus Group included representatives of Audit Committee and the Overview and Scrutiny Management Committee, and the Chairman of the Standards Committee. At its meeting on 26 September 2019 the Standards Committee had agreed that Councillor Stuart Wheeler could attend the Focus Group in the Chairman's place. It was recommended that the terms of reference be amended such that 'a representative' of the Standards Committee be a member and that Councillor Wheeler be appointed as that representative. It was reported that the Chairman and Councillor Wheeler were content with the proposal.

It was then,

Resolved:

To amend the terms of reference of the Constitution Focus Group as set out in Appendix 1, and that Councillor Wheeler be appointed as the representative of the Standards Committee.

28 **Recommendations from the Constitution Focus Group**

Kieran Elliott, Senior Democratic Services Officer, presented a report detailing a series of constitutional changes recommended by the Constitution Focus Group.

It was noted that as a result of changes to the legal status of the Swindon and Wiltshire Local Enterprise Partnership, and subsequent decision by the Leader of the Council and their counterpart in Swindon Borough Council, the Joint Strategic Economic Committee terms of reference and authority would be removed from the Constitution and reported to Full Council. This would affect Part 3C Scheme of Delegation (Executive Arrangements) and Part 2 Schedule 1, Committee Structure.

Details were also reported on the ongoing work to update the formatting and numbering of the Constitution to ensure consistent presentation, under the authority delegated to the Monitoring Officer under Article 15.3.2 of Part 2 of the Constitution.

The Committee then discussed the series of changes proposed in relation to Protocol 12, Part 3B, and associated documents in relation to arrangements for dealing with Code of Conduct complaints. This followed an initial report to the Committee at its meeting on 1 May 2019.

The Committee agreed that the proposals to revise the procedure so that the Review Sub-Committee was replaced with a standing Assessment Sub-Committee, which would consider all Code of Conduct complaints, would enhance the role of Members in the process and provide a more efficient process. Queries were raised in relation to the need for complainants to provide sufficient information for a complaint to be considered, and that indicated timescales for stages of the process could be extended by the Monitoring Officer, that this would be limited and only if particular circumstances of the case justified it. It was also noted that, if approved by Full Council, it was recommended the changes come into effect from 1 January 2020 in order for town and parish councils to be informed, and to organise future meetings.

After approving the above changes for onward recommendation, the Committee considered the proposed revisions to Protocol 4 of the Constitution, Planning Code of Good Practice. It was noted that the revision process had begun following a recommendation relating to site visit procedures from an overview and scrutiny task group. The Focus Group had considered the overall protocol was also in need of review and considered revisions to the entire protocol.

It was explained that all planning committee chairmen and the relevant Cabinet Member had been invited to attend the meetings of the Focus Group which had considered the revised protocol to contribute to its development.

Details were provided of proposed revisions, including additional detail on member responsibilities, bias and predetermination, planning committee training, legislative and procedural updates and other changes.

The Committee discussed the proposed revisions at length, in particular in relation to declaration of non-pecuniary interests and at what level these should be declared and whether the member should at that point seek advice on whether to participate or vote upon an application. Some members considered that reference to material interests in an application lacked appropriate

definition, whereas others considered the phrase had an accepted ordinary meaning indicating that not all interests should require a member seeking advice or not participating, but that a certain level of interest would require this. After debate, it was agreed to retain the wording as detailed in the agenda papers.

At the conclusion of discussion, it was,

Resolved:

- 1) **To recommend Full Council approve the revisions to Protocol 12 and Part 3B of the Constitution in relation to the arrangements for dealing with Code of Conduct complaints, such revised arrangements to take effect from 1 January 2020 after town and parish councils have been informed of the changes.**
- 2) **That, subject to Council's approval of the revised arrangements, the Standards Committee adopt the proposed revisions to the Assessment Criteria and Assessment Sub-Committee procedure.**
- 3) **To recommend Full Council approve the proposed revisions to Protocol 4 of the Constitution.**
- 4) **To note the changes to Part 3C of the Constitution which are expected to be reported to the next meeting of Full Council in relation to the Joint Strategic Economic Committee.**
- 5) **To note the ongoing updates to the Constitution by the Monitoring Officer under Article 15.3.2 of Part 2 delegated authority.**

29 **Publication of Code of Conduct Decision Notices**

Paul Taylor, Senior Solicitor, introduced a report relating to the publication of Code of Conduct Decision Notices. Under Protocol 12 matters relating to Code of Conduct Complaints remain confidential unless otherwise indicated by the Monitoring Officer, Review Sub-Committee or Hearing Sub-Committee.

It was noted that complainants and subject members might for varying reasons wish for their identities to remain confidential at the conclusion of a standards process, and that details of the cases would in some situations identify an individual even without their name provided. Attention was also drawn to the recent decision of the First-tier Tribunal in *Cyril Bennis vs Information Commission and Stratford-upon-Avon District Council* which had touched upon the issue.

It was recommended that the Standards Committee approve a policy on publication of decision notices, to be made clear in any complaints form and website information, that all parties would be informed the final decision would be published on the Council's website. They would be given the opportunity to

make a representation as to why their personal details should be excluded, which would be considered by the Monitoring Officer, who might redact the published decision notice or produce a summary version, if appropriate.

At the conclusion of discussion, it was,

Resolved:

- 1) That on completion of the code of conduct process (where the matter does not lead to a hearing) once the parties have seen the final decision notice, they are informed that the notice will be published on the Council's website and are given an opportunity to make representations as to why their personal details should be excluded;**
- 2) If representations are made, consideration is given by the Monitoring Officer to redacting the published decision notice, or publishing a summary of the decision;**
- 3) That an appropriate data protection privacy notice is included on the complaint form.**

30 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.00 - 11.00 am)

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

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