

# AGENDA

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Meeting: **STANDARDS COMMITTEE**  
Place: **Committee Room III, County Hall, Trowbridge**  
Date: **Wednesday 19 May 2010**  
Time: **2.00 pm**

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Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Trowbridge, direct line 01225 718371 or email [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)

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

All public reports referred to on this agenda are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## **Membership:**

### Wiltshire Council Members

(To be confirmed by Annual Council on 18 May 2010)

Cllr Nigel Carter, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Malcolm Hewson, Cllr Julian Johnson and Cllr Ian McLennan

### Town/Parish Council Co-opted Members

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

### Independent Co-opted Members

Mrs Jane Bayley, Mr Michael Cronin, Mr Philip Gill MBE JP, Mrs Isabel McCord (Chairman), Mr Ian McGill CBE, Mr Stuart Middleton, Mr Gerry Robson OBE (Vice-Chair) and Mr Keith Shipman

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## PART 1

### Items to be considered while the meeting is open to the public

1. **Election of Chairman**

2. **Election of Vice Chairman**

3. **Apologies and membership of the committee**

Annual Council will be asked to appoint six elected members to the committee at its meeting on 18 May 2010

4. **Minutes of previous meeting** (*Pages 1 - 8*)

To confirm and sign the minutes of the Committee meeting held on 10 March 2010 (copy attached).

5. **Chairman's announcements**

6. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests.

7. **Public participation**

The Council welcomes contributions from members of the public.

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. The Chairman will, however, exercise her discretion in order to ensure that members of the public have the opportunity to contribute.

Members of the public wishing to ask a question should give written notice (including details of any question) to the officer named above by **12.00 noon on Monday 17<sup>th</sup> May 2010**.

8. **Presentation by Councillor Laura Mayes - Organisational Culture**

Cllr Laura Mayes will make a presentation to the committee on cultural change

9. **Reappointment of Sub-Committees** (*Pages 9 - 10*)

Report by the Monitoring Officer

10. **Outcome of Standards Hearing Sub-Committee** (*Pages 11 - 22*)

To advise the Committee of the outcome of a meeting of the Hearing Sub-Committee – report by the Monitoring Officer

11. **Task and Finish Group - Training Needs Analysis** (*Pages 23 - 30*)

The Chairman of the Task and Finish Group will introduce the notes, and recommendations within it, of the meeting held on 27 April 2010.

12. **Task and Finish Group - Presentations to Area Boards**

To receive a verbal update on progress made by the Task and Finish Group.

13. **Status Report on Complaints made under the Code of Conduct** (*Pages 31 - 36*)

To receive the attached status report. 'Traffic lights report' previously requested by the Committee to follow.

14. **Standards Committee Draft Annual Report 2009/10** (*Pages 37 - 48*)

To consider the Draft Annual Report of the Committee as amended since the last meeting.

15. **Standards Committee Plan 2010-2014**

Report by the Monitoring Officer (to follow)

16. **Dispensations - Dual Hatted Members of Area Boards** (*Pages 49 - 68*)

To consider a report by the Monitoring Officer

17. **Forward Plan** (*Page 69*)

18. **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

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## STANDARDS COMMITTEE

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### MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 10 MARCH 2010 AT COMMITTEE ROOM III - COUNTY HALL.

#### Present:

##### Wiltshire Council Members

Cllr Nigel Carter, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Malcolm Hewson, Cllr Julian Johnson and Cllr Ian McLennan

##### Town/Parish Council Co-opted Members

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

##### Independent co-opted Members

Mrs Jane Bayley, Mr Michael Cronin, Mr Philip Gill MBE JP, Mrs Isabel McCord (Chairman), Mr Ian McGill CBE, Mr Stuart Middleton and Mr Gerry Robson OBE (Vice-Chair)

#### Also Present:

Cllr Francis Morland

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#### 16. Apologies

Apologies were received from Mr Keith Shipman.

#### 17. Minutes of previous meeting

The minutes of the previous meeting were approved and signed by the Chairman as a correct record.

#### 18. Chairman's announcements

##### **Actions arising from the minutes**

The Chairman asked the Head of Governance to update members on actions taken following the last meeting.

The Head of Governance reported that the leaflet on complaints which had been produced by the Communications sub-committee had been printed and issued. The other leaflet on the work of the Standards Committee was now ready for printing and would be issued shortly.

Town and Parish training dates had been decided and the first pilot session would take place on 8 April with Hankerton and Charlton Parish Councils.

The e-training package was ready to be rolled out.

A briefing note on Officers Code of Conduct would be issued shortly.

### **New Chief Executive**

The Chairman welcomed the appointment of the new Chief Executive, Andrew Kerr, and said that she looked forward to meeting with him in the near future.

### **Keith Shipman**

Keith Shipman, Independent member of the committee, was due to retire at the end of March. He had been Chairman of the committee during its move to the new Council and had been involved in the development of local determination procedures. The Chairman said that she would write to him wishing him well for the future and thanked him for all his work for the committee.

### **Update on review of the Constitution**

The first meeting of the Review Group will be held on 15 March and the committee will be updated at its next meeting.

### **Council decision on publication of Registers of Interest**

The Council had adopted the Standards Committee recommendation on the online publication of interests. Councillors could opt in to this method of publication.

### **Comprehensive Area Assessment briefing - 17 February**

This had been a very useful briefing. It was noted that Wiltshire County Council and the new Wiltshire Council had been awarded the Green Flag for involving people in decision making that affected their local community. This Green flag puts Wiltshire ahead of many other authorities in the area. Further details could be found on the Audit Commission website.

### **Training on the Code of Conduct for Wiltshire Councillors**

This would be undertaken by Nick Holden and members of the Standards Committee will be kept informed and invited to attend. Dates are still being agreed.

### **Meeting Handling**

In order to make it easier for members of the public to understand what was happening at meetings and to assist them in following discussions the

Chairman said that she would use titles and surnames when addressing speakers and requested that all speakers keep to the point and be concise.

19. **Declarations of Interest**

Councillor Peter Fuller declared a personal interest in item 6 – Minutes of sub-committees as he was a subject member.

20. **Public participation**

None

21. **Minutes of Sub-committees**

The minutes of the Dispensation Sub-committee meetings held on 11 November 2009, 26 November 2009 and 8 January 2010 were noted.

22. **Standards Committee Plan 2010-14**

The Monitoring Officer presented the Standards Committee Plan for 2010 – 14 and explained that this contained both Wiltshire Council's goals and the goals of the Standards Committee, together with the committee's actions and targets for evaluating performance against the outputs specified in the plan. It was still a work in progress and would continually evolve as new items were added and goals achieved.

There was a request for a Task and Finish Group to be set up to produce a presentation and supporting materials to take to the Council's 18 area boards promoting the role of the Standards Committee and the local standards framework. Nominations were sought and the membership of the group was agreed as:

Mr Bill Bailey  
Mr Gerry Robson  
Councillor Nigel Carter

The group would report back to the July Standards committee meeting.

The Chairman thanked the Monitoring Officer, Mr Ian McGill and Mr Gerry Robson for their work in developing the plan.

**Resolved:**

- 1. To note the work in progress in developing the plan, including targets for evaluating performance against the outputs specified in the plan;**

2. **To agree to set up a task and finish group to prepare a presentation and supporting materials to take to the Council's 18 area boards promoting the role of the Standards Committee and the local standards framework, membership as above.**
3. **To ask the task group to report back to the Committee at its July meeting with its proposals with a view to commencing the programme of briefings to area boards in the Autumn term.**
4. **To agree that presentations to Area Boards would provide a good platform to inform and engage the Town and Parish representatives and the public on standards in local government.**

23. **Size and composition of the Standards Committee**

The Chairman explained that the Committee has previously undertaken to review the size of the Committee in the light of experience and the term of office of its Independent members, however it was agreed in September 2009 to defer consideration of a report on the term of office of Independent members until members had served a year in office, given that the first meeting of the Committee has only taken place in July 2009.

Officers would be preparing a report on the composition of the Committee dealing with both the size of the Committee and the term of office of its Independent members for the September 2010 meeting and the committee were invited to make any comments prior to the production of the report. The possibility of using the same people for the Consideration sub-committee and the Hearing was raised. The Monitoring Officer replied that although there were advantages and disadvantages it was possible.

24. **Venues of Standards Committee Hearings**

The Chairman explained that Trowbridge was not always the most appropriate venue for the local determination of complaints and the report recommended that hearings in respect of town and parish councillors could be held locally to enable local residents to attend the hearings should they choose to do so. It also recommended that hearings in respect of Wiltshire Councillors should still be held in County Hall unless there were any exceptional circumstances.

A debate ensued during which it was agreed that both town and parish member and Wiltshire Council member hearings should be held locally in the interest of openness and transparency.

**Resolved:**

1. **Subject to availability of "hub" venues within the statutory timescales, to conduct local determination hearings, for both Town and Parish and**



Wiltshire Councillors, in the Wiltshire Council “hub” office most local to where subject member has been elected.

2. To allow flexibility in these arrangements to accommodate exceptional circumstances, such as the special needs of the subject member or key witnesses.

## 25. Timescales for Local Investigation and Determination

The Committee considered a report on proposals to introduce target timescales for the completion of local investigations and determination of complaints brought under the Members Code of Conduct.

The report was accepted subject to the following amendments to paragraphs 14 and 15 of the report:

To delete the word ‘of’ at the end of the first line of each paragraph and replace it with the word ‘within’.

### **Resolved:**

1. That the Standards Committee requires the Monitoring Officer to set a target time of 6 months from the Assessment Committee’s referral of a complaint for investigation to the completion of the investigation and issuing of a final report.
2. That the Standards Committee requires the Monitoring Officer to set a target time of 3 months from the issuing of his final report to the conclusion of a Determination Sub-Committee hearing.
3. That the Monitoring Officer brings reports to each Standards Committee meeting setting out the progress of each case (in anonymised form using the alpha-numeric identifiers already in use by the Governance Service to identify cases) against these two targets, using a “traffic light” system. Cases that are on target will be shown as green, those about which the Monitoring Officer has concerns will be shown as amber, and those that have exceeded the target will be shown as red. Red and amber cases should be accompanied with a brief explanation of their amber or red status.
4. That the report should show, where applicable, the alpha-numeric identifier for each complaint, the date it was received by the Monitoring Officer, the date it was considered by the Assessment Sub-Committee, the date it was referred for investigation (which will usually be the same date unless the Sub-Committee adjourned for further information), the date the final report was issued, the date of the Consideration Sub-Committee meeting, and the date of the Determination Sub-Committee hearing.

26. **Draft Annual Report of the Standards Committee 2009/10**

The Chairman explained that this report was for the public and it would therefore be published on the Council website.

This was a draft report and it was agreed that it needed to be more user-friendly with the removal of any overly legal terminology and more use made of bullets.

A request was made for the number of complaints received to be incorporated into the report and that an executive summary be added to the front.

On the subject of costs being included it was agreed that this was not possible on this occasion but it could be looked at in future annual reports.

**Resolved:**

**To note the report and request that the above amendments be incorporated.**

27. **Culture Change Programme**

The Chairman announced that Councillor Laura Mayes, Portfolio Holder with responsibility for Cultural Change, would be attending the next meeting of the committee.

The Monitoring Officer had met with her and they had discussed ways that the Standards Committee could support her role.

Councillor Mayes was preparing an action plan which would be circulated to all Standards Committee members and she would speak to it at the next meeting.

The leaflet 'What Will We be Like' will be re-launched. This sets out values for both members and officers to apply in their work and actions and it was agreed that this links to the Code of Conduct training in which the committee is involved.

28. **Report of the Task and Finish Group on Training Needs Analysis**

Mr Gerry Robson, OBE updated the committee on the first meeting of the Task and Finish Group on Training Needs Analysis.

He explained that at the last meeting of the Training sub-committee concerns had been raised that some Town and Parish Council Chairmen were unfamiliar with some aspects of the Code of Conduct and of chairing a meeting.

The Task and Finish Group had particularly looked at the possibility of training in chairing skills for Town and Parish Chairmen with a view to reducing the numbers of complaints received. The Group had asked the Governance team

and Human Resources to see if there was evidence of any training needs from Town and Parishes and what measures could be taken to address them.

The Group would meet again in April and report back to the Standards Committee in May.

29. **Status Report on Complaints made under the Code of Conduct**

The status report on complaints was noted.

30. **Anonymous Digest of Code of Conduct Cases**

The Chairman explained that at the last meeting it had been requested that the annual, anonymous digest of Code of Conduct cases mentioned in the Communications sub-committee action plan be produced and themed so that the most common issues were highlighted.

The report detailed cases that had been recently considered by the Adjudication Panel.

Following a discussion it was agreed that, in future, these bulletins would be produced as and when any items or cases of interest were published.

**Resolved:**

**To produce an anonymous digest of complaints as and when issues of interest were published.**

31. **Standards for England Bulletin No. 47**

The Chairman drew attention to the next Annual Assembly meeting due to take place in October 2010 and said that, as in previous years, two places would be booked for an officer and a member of the committee to attend.

It was agreed that the article in the Bulletin on social networking be sent out to all members of the Council via the Elected Wire together with the links to Standards for England online guidelines detailed on page 7 of the Bulletin.

It was noted that the new Code of Conduct would be delayed until after the elections.

32. **Urgent Items**

There were no urgent items

(Duration of meeting: 2.00pm – 3.55pm)

The Officer who has produced these minutes is Pam Denton, of Democratic & Members' Services, direct line 01225 718371, e-mail [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)

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

## WILTSHIRE COUNCIL

### STANDARDS COMMITTEE

19 MAY 2010

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### RE-APPOINTMENT OF SUB-COMMITTEES

#### Purpose of Report

1. To seek approval for the re-appointment of previously established sub-committees of the Committee.

#### Background

2. The Constitution provides for the Committee to appoint such sub-committees as may from time to time be necessary for the efficient discharge of its functions (paragraph 2.5 of Part 3 of the Constitution). In particular, the Committee has previously established the following Sub-Committees:

- **Assessment Sub-Committee**  
To consider whether an allegation should be investigated
- **Review Sub-Committee**  
To consider any request for a review of a decision that an allegation should not be investigated
- **Hearing Sub-Committee**  
To conduct hearings into alleged breaches of the Code

3. The above mentioned sub-committees were established to deal with the Committee's responsibilities under S.54 of the Local Government Act 2000 as amended by S.188 of the Local Government and Public Involvement in Health Act 2007. Their composition is as follows:

Three members of the Standards Committee as determined by the Monitoring Officer in consultation with the chairman of the Committee on the basis of member availability and chaired by an independent member. No member will serve on more than one of the above sub-committees for any one allegation or set of allegations. However, a member may serve on both the Assessment Sub-Committee and the Hearing Sub-Committee in exceptional circumstances to be approved by the Monitoring Officer. Members of the Review Sub-Committee may not serve on any other sub-committee dealing with the same or linked complaint.

4. **Consideration Sub-Committee**

In July 2009, the Committee established the Consideration Sub-Committee to consider the Monitoring Officer's final investigation reports with the following composition:

Three members of the Standards Committee chaired by an independent member, and to include an elected member of Wiltshire Council, and a town or parish representative if the subject member is a town or parish councillor;

Membership is determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee on the basis of member availability.

5. **Dispensation Sub-Committee**

In July, 2009, the Committee established the Dispensation Sub-Committee to consider and determine requests for dispensation under the Standards Committee (Further Provisions) (England) Regulations with the following composition:

As determined by the Monitoring Officer in consultation with the chairman of the Standards Committee on the basis of member availability, to include one independent member (who will be the Chairman), one elected member and one parish or town council representative.

5. The Committee is therefore asked to re-appoint the above mentioned sub-committees for the municipal year 2010/11.
6. The Communication Sub-Committee and Training Sub-Committee previously established by the Committee have since been disbanded and replaced by task and finish groups. Such groups are established to undertake particular tasks identified by the Committee as and when a need is identified. Membership of Task and Finish Groups is drawn from the Standards Committee.

**Proposal**

10. To re-appoint the following sub-committees of the Standards Committee on the same basis as previously agreed:
- (i) Assessment Sub-Committee
  - (ii) Review Sub-Committee
  - (iii) Hearing Sub-Committee
  - (iv) Consideration Sub-Committee
  - (v) Dispensation Sub-Committee

**IAN GIBBONS**, Monitoring Officer

Contact Details: 01225 713052

Report Author: Yamina Rhouati, Democratic Governance Manager

Contact Details: 01225 718024

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**Unpublished documents relied upon in the production of this report:**

None

## WILTSHIRE COUNCIL

### STANDARDS COMMITTEE

19 MAY 2010

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#### Outcome of Standards Hearing Sub-Committee

##### Purpose of Report

1. To report the outcome of the Standards Hearing Sub-Committee which was held on 12 April 2010 to consider an allegation of a breach of the Code of Conduct for Members.

##### Background

2. On 23 June 2009 the Monitoring Officer of Wiltshire Council received a complaint from Councillor David Sherlock regarding the alleged conduct of Councillor Paul Evans, a member of Tidworth Town Council. The complainant alleged that at a meeting of Tidworth Town Council on 2 June 2009 Councillor Evans behaved in such a manner as to bring his office or authority into disrepute and failed to treat others, including the complainant, with respect.
3. On 7 July 2009, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor Evans. In accordance with section 57A(2) of the Local Government Act 2000 as amended, the Assessment Sub-Committee decided that the complaint should be referred to the Monitoring Officer for investigation.
4. The Monitoring Officer delegated his investigatory powers to Mrs Marie Lindsay, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000. The Investigator's report found that there had been a breach of the following paragraphs of the Code of Conduct:
  - 3(1) – You must treat others with respect
  - 5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute
5. On 9 February 2010 the Investigator's report went before the Standards Consideration Sub-Committee. The Sub-Committee considered both alleged breaches of paragraphs 3(1) and 5 of the Code of Conduct. The Sub-Committee agreed that the matter should be referred to a Standards Committee Hearing for determination, pursuant to paragraph 17 (1) (b) of the Standards Committee (England) Regulations 2008.
6. The Standards Hearing Sub-Committee met on 12 April 2010 and the decision notice is attached at **Appendix A**.

7. The Chairman and members of the Sub-Committee may wish to comment on the hearing orally at the meeting

### **Main considerations for the Committee**

8. The Standards Committee has set a target time of 6 months from the Assessment Sub-Committee's referral of a complaint for investigation to the completion of the investigation and issuing of a final report. In this case, the complaint was referred for investigation on 7 July 2009 and the final report was issued on 20 January 2010, slightly over 6 months later.
9. The investigation was subject to a slight delay as Councillor Evans did not initially respond to the Investigator's request for an interview. A period of 5 weeks elapsed between Councillor Evans being invited to attend an interview and the interview being carried out.
10. A total of 8 interviews were carried out during the course of the investigation, including interviews with 5 witnesses and 2 interviews with the complainant. In order to limit time and resources two of these interviews were carried out over the telephone.
11. The Standards Committee has set a target time of 3 months from the issuing of the final report to the conclusion of a Determination Sub-Committee hearing. The Investigator issued her report on 20 January 2010 and the Standards Hearing Sub-Committee met on 12 April 2010, within the 3 month deadline. In general, the pre-hearing process that has to be undertaken within this timescale may present difficulties in meeting this target for future cases, particularly when findings of fact contained within the Investigator's report are subject to dispute.
12. The Standards Committee decided on 10 March 2010 that, subject to availability of "hub" venues within the statutory timescales, local determination hearings should be held in the Wiltshire Council "hub" office most local to the subject member's division or ward. As a result of the current re-development of the Bourne Hill 'hub', the Standards Hearing Sub-Committee meeting of 12 April was held at Sarum College in Salisbury. This facilitated the attendance at the hearing of the subject member, the complainant and four additional witnesses. An additional cost was placed on the Council for the hire of Sarum College, however such costs will not be necessary once work at the Bourne Hill site has been completed.

### **Proposals**

12. The Standards Committee is asked to note the outcome of this matter.

### **Training and Communications Issues Arising**

13. There are no general training or communications issues arising from the proposals made in this report that would require the formation of a task and finish group of the Standards Committee.



14. There are specific training issues for Councillor Evans and Tidworth Town Council which are being followed up by the Monitoring Officer.

**Risks**

15. There are no risks associated with the proposals made in this report.

Ian Gibbons  
Monitoring Officer

Report Author: Marie Lindsay – Ethical Governance Officer

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**The following unpublished documents have been relied on in the preparation of this report: None**

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## STANDARDS HEARING SUB-COMMITTEE

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### MINUTES OF THE STANDARDS HEARING SUB-COMMITTEE MEETING HELD ON MONDAY 12 APRIL AT 9.30 AM AT SARUM COLLEGE, 19 THE CLOSE, SALISBURY

Present:	Mr M Cronin His Hon D MacLaren Webster QC Cllr M Hewson	Independent Member Parish Council Member Wiltshire Council Member
	Mrs M Lindsay Cllr P Evans	Investigating Officer Subject Member
	Mr I Gibbons	Monitoring Officer, Wiltshire Council - Legal Adviser to the Sub- Committee
	Miss J Green	Democratic Services Officer, Wiltshire Council – Clerk to the Sub- Committee

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### PART I

#### Items considered whilst the meeting was open to the public

#### 1. ELECTION OF CHAIRMAN

In accordance with the requirement that the hearing is chaired by an independent member, Mr M Cronin was confirmed as Chairman.

**Mr M Cronin in the Chair**

#### 2. DECLARATIONS OF INTEREST

None were declared as material to the fair hearing of the proceedings.

### **3. EXCLUSION OF PRESS AND PUBLIC**

The Chairman asked the Subject Member and Investigating Officer if they had any objections to the hearing proceeding with the public present. Both confirmed they had no objections. The Sub-Committee agreed that the matter should be heard in public in the interests of openness and transparency.

### **4. STANDARDS COMMITTEE HEARING**

In accordance with the procedure for determination hearings circulated with the agenda the hearing was conducted in three stages, addressing firstly findings of fact, secondly the question of whether there had been a breach of the Code and finally the matter of sanctions.

At each stage the Investigator and Subject Member were given the opportunity to address the Sub-Committee, and each Member of the Sub-Committee had the opportunity to question them.

The Sub-Committee retired to consider its decision at each stage of the hearing and on its return the Chairman delivered the Sub-Committee's findings as detailed in the attached Decision Notice.

The Clerk attended the Sub-Committee's deliberations to record their decision at each stage, and the Legal Adviser was present to advise and assist on matters of law and procedure.

#### **Resolved:**

**To determine the complaint as set out in the attached Decision Notice.**

## **PART II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

There were none.

## **DECISION NOTICE**

### **BREACH OF THE CODE OF CONDUCT – SANCTIONS IMPOSED**

**Wiltshire Council Reference No: WC 24/09**

**Subject Member**

Councillor Paul Evans – Tidworth Town Council

**Complainant**

Councillor David Sherlock – Tidworth Town Council

**Hearing Sub-Committee Membership**

Mr Michael Cronin, Chairman (Independent)  
Councillor Malcolm Hewson (Wiltshire Council)  
His Hon David MacLaren Webster QC (Town/Parish Council)

**Monitoring Officer / Legal Adviser**

Mr Ian Gibbons

**Investigating Officer**

Mrs Marie Lindsay

**Clerk**

Miss Janice Green

**Complaint**

On 23 June 2009 the Monitoring Officer of Wiltshire Council received a complaint from Councillor David Sherlock of Tidworth Town Council, regarding the conduct of Councillor Paul Evans, a member of Tidworth Town Council.

The complaint alleged that at a meeting of Tidworth Town Council on 2 June 2009, Councillor Evans behaved in such a manner as to bring his office or

authority into disrepute and failed to treat others, including the complainant, with respect. It was alleged that Councillor Evans carried out an abusive and offensive verbal tirade towards other council members in the presence of the press and public, resulting in the meeting ultimately being suspended.

The complainant alleged that Councillor Evans had breached paragraphs 3(1) and 5 of the Model Code of Conduct for Members, adopted by Tidworth Town Council:

- 3(1) – You must treat others with respect.
- 5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

The complaint was assessed by the Standards Assessment Sub-Committee of Wiltshire Council on 7 July 2009, who referred the complaint to the Monitoring Officer for investigation.

The Monitoring Officer delegated his investigatory powers to Mrs Marie Lindsay, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000. The Investigator found that there had been breaches of paragraphs 3(1) and 5 of the Code of Conduct.

The Investigator's report, dated 20 January 2010, went before the Standards Consideration Sub-Committee on 9 February 2010, who resolved that the matter should be referred to the Hearing Sub-Committee for determination.

A hearing was therefore conducted by the Hearing Sub-Committee of the Standards Committee of Wiltshire Council on 12 April 2010 in accordance with Regulations 18 and 19 of the Standards Committee (England) Regulations 2008 and the Council's Procedure for Determination of Complaints.

### **Summary of Evidence Considered and Representations Made**

The Sub-Committee considered the following evidence and representations:

1. The written complaint;
2. The Investigator's report dated 20 January 2010, which contained evidence from interviews conducted with the subject member, the complainant and a number of witnesses, as well as copies of the relevant documents, including minutes of the relevant meetings, correspondence from Wiltshire Association of Local Councils regarding the voting procedure and a newspaper article from the Andover Advertiser.

3. Representations at each stage from the subject member and the Investigating Officer.
4. Oral evidence from Councillor Evans and the following witnesses:
  - Councillor Sherlock (complainant)
  - Councillor Daggar (chairman)
  - Councillor Wildman
  - Councillor Connolly
  - Councillor Miles

## **DECISION**

### **Findings of Fact**

The Sub-Committee made the following findings of fact:

- The background facts were accepted as set out at pages 20 - 21 of the Investigators Report, Summary of Material Facts, paragraphs 6.1 - 6.8.
- Councillor Evans arrived at the Tidworth Town Council meeting on 2<sup>nd</sup> June 2009, deeply frustrated by events following the election of the Chairman at the meeting in May.
- At the meeting on 2<sup>nd</sup> June Councillor Evans admitted accusing the Council of being a “waste of time” and “a shambles”.
- Councillor Evans repeatedly refused to sit down when asked to do so by the Chairman, or to stop speaking when asked.
- Councillor Evans acknowledged in his own statement that he did “push things to its limit” and that his behaviour was “quite forceful” and “fiery”.
- Councillor Evans accepted that he made comments about the conduct of other members and that he was getting a little aggressive. This prompted the Chairman’s adjournment of the meeting.
- In the adjournment, during an altercation with Councillor Sherlock at the hatch, Councillor Evans admitted that he told Councillor Sherlock to “piss off and sling your hook”.
- Councillor Evans made allegations that Councillor Wildman was only on the Council to promote his own interests.

- This argument at the hatch could have been overheard by the press and public.
- A letter of apology was sent by Councillor Evans to all Council Members on 19<sup>th</sup> June 2009, on the advice and with the help of Councillor Connolly.
- In his own letter of apology Councillor Evans states that he was ashamed that his conduct fell below the conduct that was acceptable for a Councillor and that there will never be an excuse for his unreasonable behaviour.

These findings of fact were then used as the basis for the Sub-Committee's consideration on the question of breach and sanction as set out below. The Sub-Committee also had regard to relevant guidance from Standards for England.

### **BREACH OF THE CODE OF CONDUCT**

The Sub-Committee concluded that Councillor Evans was acting as a representative of the Council and, therefore, in his official capacity during the adjournment of the meeting when the altercation with Councillor Sherlock took place.

#### **Paragraph 3(1) - You must treat others with respect.**

The Sub-Committee found that Councillor Evans had failed to treat others with respect in breach of paragraph 3(1) of the Code. Councillor Evans' behaviour had lowered the public's expectation and confidence in him as an elected representative.

- **Paragraph 5 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.**

Whilst the Sub-Committee found that Councillor Evans' behaviour did not bring Tidworth Town Council as a whole into disrepute, the Sub-Committee decided that his persistent misbehaviour brought his office of councillor into disrepute under paragraph 5 of the Code.

### **SANCTION**

After hearing representations from the parties the Sub-Committee decided to censure Councillor Evans in respect of his conduct resulting in the above breaches of the Code, and, in addition, imposed a requirement to undertake one



to one training on the Code of Conduct, to be arranged by the Monitoring Officer at the earliest opportunity.

### **Reasons for Decision**

In making their decision on sanctions, the Sub-Committee took into consideration the following factors:

- the need for the decision to be reasonable and proportionate;
- the results and the potential results of Councillor Evans' conduct;
- the seriousness of the breaches of the Code;
- the fact of Councillor Evans' apology; the Sub-Committee confirmed that Councillor Evans was fully entitled to take advice on this;
- the fact that there had been no reports of previous misconduct and that there had been compliance with the Code since the date of this incident;
- the possible impact of Councillor Evans ill health at this time;
- the need for the decision of the Sub-Committee to foster public confidence in local government.
- Councillor Evans' behaviour was, by his own admission, unreasonable and fell far short of what would be expected of a Councillor.

### **Recommendation**

The Sub-Committee recommended that Tidworth Town Council should arrange training for all Councillors on the Code of Conduct, voting procedures and the conduct of meetings. This may assist in avoiding similar problems in the future.

### **Right of Appeal**

A member subject to a standards committee finding may apply in writing to the President of the First-tier Tribunal (Local Government Standards in England) for permission to appeal against the finding.

The President must receive the member's written application within 21 days of the member receiving notice of the Standards Committee's decision.

This decision notice is sent to the complainant, the subject member, Tidworth Town Council and Standards for England.



## **STANDARDS TASK AND FINISH GROUP - TRAINING NEEDS ANALYSIS**

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### **NOTES OF THE STANDARDS TASK AND FINISH GROUP - TRAINING NEEDS ANALYSIS MEETING HELD ON 27 APRIL 2010 IN COMMITTEE ROOM III, COUNTY HALL.**

#### **Present:**

Cllr Nigel Carter, Mr Philip Gill, Mr Robert Oglesby JP and Mr Gerry Robson (Chairman).

#### **Also Present:**

Katie Fielding, Marie Gondlach, Lynda Williams and Roger Wiltshire

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#### **1. Apologies**

Apologies were received from Mr MacCallum.

#### **2. Notes of the Previous Meeting**

The notes of the previous meeting held on 8 March 2010 were approved as a correct record.

#### **3. Update from the Councillors Development Group**

Councillor Nigel Carter, as the link member between the Task Group and the Councillor Development Group (CDG), gave a verbal update regarding the decision taken by the CDG at its 7 April 2010 meeting to agree in principle for the Standards Task and Finish Group – Training Needs Analysis to look into some joint training and the possibility of establishing a partnership between Wiltshire Council and WALC to cover the joint training pending a more formal proposal.

He pointed out that the CDG was striving for Charter Status for Wiltshire Council and welcomed any initiative heading in the same direction. The only reservation from the CDG was to ensure inclusion of Town and Parish Councils who were not members of WALC.

He also explained that the CDG would welcome an update, at its next meeting on 2 June 2010, from this Task and Finish Group.

#### 4. **Next step(s)**

The Task and Finish group was asked to consider the notes of the officers' meeting held on 15 March 2010 and the recommendations within it and to decide a course of action to be referred to the Standards Committee.

The Chairman reminded the Task and Finish Group of the task it had been charged with: "To set up a task and finish group to look at training needs analysis" and asked them to concentrate on the three questions officers had been asked to consider at the 15 March meeting:

- The appropriateness of training needs analysis for Town and Parish (T&P) Councillors
- Possibilities and ways of extending the development opportunities offered by Wiltshire Council to T&P Councils
- As a priority to consider the training in place for Chairmanship skills; Conflict Management; Mediation and Equalities and Diversities.

The group discussed issues and ideas around these three questions including the following:

- How to incentivise people to attend (e.g. accreditation, compensation, congratulating)?
- How to ensure as many people as possible can attend (e.g. venue, location, different dates and times being offered)?
- How to ensure the people most in need of the training do attend the sessions (e.g. could some training sessions be made compulsory)?
- How to establish strong bridges between Wiltshire Council(lors) and T&P Council(lor)s (e.g. (a) a formal invitation to "come and meet your Council day" which would also include a presentation / training on the Code of Conduct and the role of the Standards Committee and Chairmanship skills training for newly elected Chairmen and Vice Chairmen, (b) Wiltshire Councillors to be involved with training delivery)?
- The need to train T&P clerks as well as Chairmen, and possibly Vice-Chairmen.
- The difficulties in assessing training effectiveness.

The Task and Finish Group considered the amount of officers' time required to conduct the exercise and analyse the results against the likely low number of forms returned (as previously experienced by WALC). However the Task and Finish Group felt that to help design an accurate and efficient training programme for T&P Councillors a training needs analysis for T&P clerks, chairmen and vice-chairmen could be required

The Task and Finish Group, with the support in principle from the CDG, considered whether it would be beneficial for Wiltshire Council development programme to be opened up to T&P councillors.

Lynda Williams and Katie Fielding explained that Chairmanship skills, Conflict Management, Mediation and Equalities and Diversities were on the WALC or Wiltshire Council development programme either as specific sessions or embedded in other development sessions.

**Resolved:**

**(1) Not to engage in a Training Needs Analysis exercise for all Town and Parish Councillors at present.**

**(2) To ask officers to list, for the next Standards Committee meeting, the pros and cons for Wiltshire Council, in conjunction with WALC, to deliver a training needs analysis exercise for all Town and Parish Clerks, Chairmen and Vice-Chairmen. (Appendix 1)**

**(3) To ask the Standards Committee to consider the need for Wiltshire Council, in conjunction with WALC, to deliver a training needs analysis exercise for all Town and Parish Clerks, Chairmen and Vice-Chairmen and how this could be organised.**

**(4) To recommend to the Standards Committee that the Councillor Development Group consider inviting all Town and Parish Councillors (and Clerks) to attend the development sessions it organises as and when appropriate. The Councillor Development Group would have to consider the best ways to advertise these sessions to all Town and Parish Councils and relevant financial arrangements.**

**(5) To recommend to the Standards Committee that the Councillor Development Group consider as a priority inviting all Town and Parish Councillors (and Clerks) to attend development sessions on Chairmanship skills; Conflict Management; Mediation and Equalities and Diversities. Again the Councillor Development Group would have to consider the best ways to advertise these sessions to all Town and Parish Councils and relevant financial arrangements.**

**(6) To recommend that the Standards Committee consider the possibility of establishing a partnership, possibly including Wiltshire Council (Councillor Development Group), Town and Parish Councils and WALC, to deliver joint training to all Town and Parish Councillors (and Clerks) as well as Wiltshire Councillors when appropriate. The Terms of Reference of that partnership would need to be assessed.**

**(7) To ask officers to list the possible benefits of joint training between Wiltshire Council and Town and Parish Councillors (and Clerks) (Appendix 2)**

**Appendix 1 - Some pros and cons for Wiltshire Council, in conjunction with WALC, to deliver a Training Needs Analysis exercise for Town and Parish Councils Chairmen, Vice-Chairmen and Clerks**

**Appendix 2 - the possible benefits of joint training between Wiltshire Council and all Town and Parish Councils**

5. **Dates of Future Meeting(s)**

The Task and Finish Group agreed that no further meeting were required.

(Duration of meeting: 10.00 - 11.45 am)

The Officer who has produced these minutes is Marie Gondlach, of Democratic Services, direct line 01225713597, e-mail [marie.gondlach@wiltshire.gov.uk](mailto:marie.gondlach@wiltshire.gov.uk)

**Some pros and cons for Wiltshire Council, in conjunction with WALC, to deliver a Training Needs Analysis exercise for Town and Parish Councils Chairmen, Vice-Chairmen and Clerks**

It has to be noted that WALC had previously undertaken a similar exercise for all Town and Parish Councillors but the return rate, we were informed, was very small.

Training needs analysis could take place for Clerks, Chairmen and Vice Chairmen of Town and Parish Councils but it would involve addressing the following points: -

- Relevant job descriptions, duties or role descriptions for these roles would have to be produced, if not already in place, to enable training needs analysis forms to be organised against
- Would sufficient resources be available to enable chasing up of forms to be undertaken?
- If a representative number of forms were received who would deliver and organise the agreed programme, would this be WALC, Wiltshire Council or Consultants and the budget implications
- How would robust evaluation take place and how would this be administered (resource and budget constraints)
- There would have to be a process in place to ensure all Town and Parish councils understood what was being asked of them and why, not just send the forms out in the post, e.g. relevant advertising, attendance at Town and Parish Council meetings, Area Boards, etc.

On the positive side by undertaking training needs analysis the following could be achieved:-

- An opportunity for Wiltshire Councillors to start building bridges between the Authority and the Town and Parish Councils by attending Council meetings and / or Area Boards to present and explain the reasons behind the TNA process and the benefits of completion. This could be undertaken with support from officers.
- The information gathered would ensure that scarce resources are being targeted to the relevant training and development needs of Town and Parish Councils
- Ensure that Town and Parish Councillors have the opportunity to develop skills and knowledge relevant to their demanding and changing roles.

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**The possible benefits of joint training between Wiltshire Council and all Town and Parish Councils**

- Joint training between Wiltshire Council and Town and Parish Councils would enable more opportunity of dates, times and venues to be offered.
- Joint training opportunities would help to build bridges between Wiltshire Council and Town and Parish Councils.

This in turn would make the options listed below possible. It is felt that successful training for Town and Parish Councils, especially around the priority areas of Chairmanship skills; Conflict Management; Mediation and Equalities and Diversities could be achieved by Town and Parish Councillors and Clerks engaging in any of the following options:-

- To attend any of the events available through Wiltshire Council development programmes for Councillors and / or Officers. These programmes would have to be adequately advertised to all Town and Parish Councillors and Clerks. Town and Parish Councils would incur a charge to attend. It has to be noted that agreement from the Councillor Development Group would have to be sought.
- To attend any training sessions organised by WALC, whether or not the Town and Parish Council is a member of WALC (however it has to be noted that different rates apply to members and non-members of WALC)
- To attend a “Town and Parish Councils day” hosted by Wiltshire Council to which all Town and Parish Councils Clerks, Chairmen and Vice Chairmen would be invited. The day could consist of networking opportunities; short presentation on the Code of Conduct and the work of the Standards Committee; meet the Chief Executive and Leader of the Council; and half days training sessions around the area identified above as priority.
- Depending on whether a Training Needs Analysis exercise takes place, training for Town and Parish Councils could be a mix of attending relevant modules undertaken as part of the Wiltshire Council programmes and / or modules, for Parish and Town Council only, delivered by WALC.

Whatever method is adopted there will have to be tie in to the SLA agreement between Wiltshire Council and Community First to ensure that monitoring of the effectiveness of the training can be achieved.

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Code of Conduct Complaints Status Report

Month 2009	Cases received	Cases open (cumulative)	Assessed by Committee – investigation	Assessed by Committee – no investigation	To be assessed by Committee/other	Cases closed
April	12	12	8 & 1*	1	2**	0
May	2	14	0	1	1***	0
June	13	25	4	0	7** & 2***	2
July	3	26	1	0	2**	2
August	1	13	0	1	0	14
September	1	14	0	1	0	0
October	5	18	2	3	0	1
November	7	24	2	3	2****	1
December	0	23	0	0	0	1
<b>2010</b>						
January	0	18	0	0	0	5
February	1	16	0	1	0	3
March	3	19	0	2	1	0
April	4	19	0	0	4	4
<b>Totals</b>	52	n/a	18	13	21	33

Appeals received
0
0
0
0
0
0
0
0
0
0
1 (overturned)
2 (upheld)
0
0
1
4

- \* complaint presented to an Assessment Sub-Committee at Salisbury District Council and transferred to Wiltshire Council for investigation 01/04/09
- \*\* further and better particulars requested but not received – complaint closed
- \*\*\* not code of conduct complaint – complaint closed
- \*\*\*\* complaint withdrawn

N.B. Two additional Appeals have been received but these relate to carried over complaints from former district councils and are not recorded in these figures

## Hearings

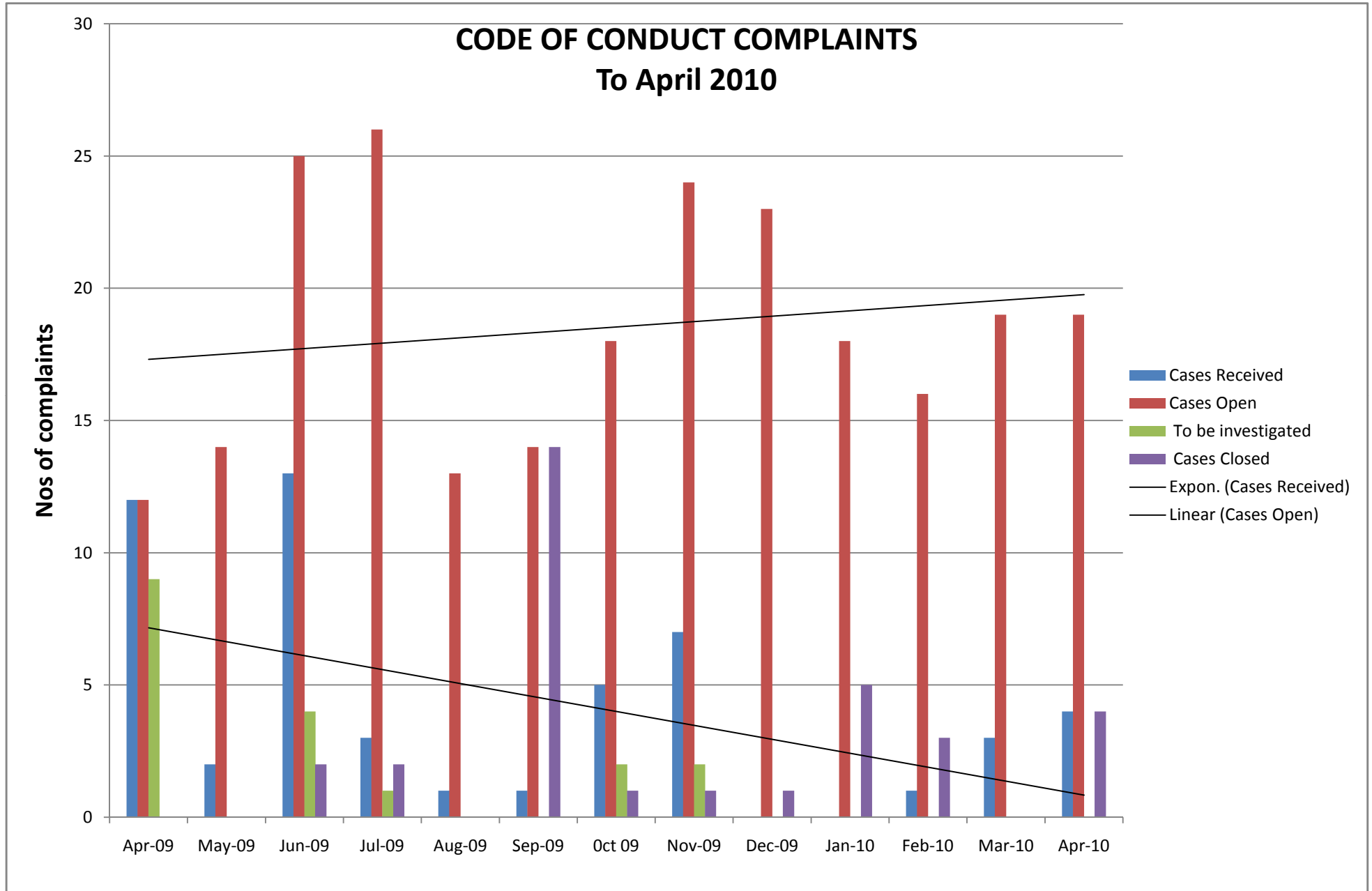
Month 2009	Number of hearings	Date(s) and type(s) of hearing	Outcome	Appeal (Y/N)
April	0			
May	4	13/05/09 – 4 x Assessment Sub-Committee	3 investigations & 1 alternative action by MO	No
June	4	23/06/09 – 4 x Assessment Sub-Committee	3 investigations & 1 no breach	No
July	4	07/07/09 – 4 x Assessment Sub-committee	4 investigations	No
August	2	10/08/09 & 27/08/09 – 2 Assessment Sub-Committees	1 investigation & 1 no further action	No
September	0			n/a
October	1	15/10/09 – 1 x Assessment Sub-Committee	No further action	No
November	5	19/11/09 - 5 x Assessment Sub-Committee	1 investigation & 4 no further action	Yes (1)
December	7	02/12/09 – 4 x Assessment Sub-Committee 10/12/09 – 3 x Assessment Sub-Committee	2 investigations & 2 no further action 1 referral to MO & 2 adjournments (complaints now withdrawn and closed)	Yes (2)
<b>2010</b>				
January	0			n/a
February	5	03/02/10 – 1 x Assessment Sub-Committee (referred back following death of subject member (original decision – investigation)) 03/02/10 – 3 x Review Sub-Committee 09/02/10 – 1 x Consideration Sub-Committee	No further action  2 decisions upheld and 1 overturned – investigation Referral to Determination Sub-Committee	No
March	4	02/03/10 – 1 x Consideration Sub-Committee 30/03/10 – 3 x Assessment Sub-Committee	Referral to Determination Sub-Committee 1 referral to MO & 2 no further action	Yes (1)
April	4	12/04/10 – 1 x Determination Sub-Committee 15/04/10 - 3 x Consideration Sub-Committee	Failure to comply – sanction: censure 2 no failure to comply – closed 1 referral to Determination Sub-Committee	n/a

## Investigations

Case reference	Date of Assessment hearing	Progress	Estimated date of final report
WC 06/09	13/05/09	Determination Sub-Committee 13 May 2010	N/A
WC 14/09	23/06/09	Consideration Sub-Committee 15 April 2010 – no failure to comply – closed	N/A
WC 15/09	23/06/09	Consideration Sub-Committee 15 April 2010 – no failure to comply – closed	N/A
WC 18/09	13/05/09	Draft report completed	Summer 2010
WC 19/09	13/05/09	Draft report completed	Summer 2010
WC 24/09	07/07/09	Determination Sub-Committee 12 April 2010 – failure to comply (sanction- censure) - closed	N/A
WC 30/09	07/07/09	Report being drafted	Summer 2010
WC 31/09	07/07/09	Report being drafted	Summer 2010
WC 32/09	07/07/09	Report being drafted	Summer 2010
WC 33/09	07/07/09	Report completed – Consideration Sub-Committee to be arranged	N/A
WC 38/09	19/11/09	Consideration Sub-Committee 15 April 2010 –Determination Sub-Committee to be arranged	N/A
WC 43/09	02/12/09	Report being drafted	Summer 2010
WC 45/09	02/12/09	Report being drafted	Summer 2010
WC 42/09	03/02/10 (Review Sub-Ctte)	Interviews in progress	Summer 2010

Case status report

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**Wiltshire Council**  
**Standards Committee**  
**Annual Report 2009/10**

## Foreword by the chairman

I am delighted to present the Wiltshire Council Standards Committee Report for 2009/10. It explains who sits on the committee, what it does, its achievements over the last year and its future work programme. It is reassuring to know that good governance and high standards of behaviour were taken seriously by the former Wiltshire County Council and this continues to be the case with the new Wiltshire Council.

The last year has been busy for both the committee and the officers that support it. On 1 April last year the four Wiltshire district councils and Wiltshire County Council were amalgamated to form one council for Wiltshire, the Wiltshire Council. At the same time the committee took over responsibility for determining complaints against councillors from all the 255 town and parish councils in the new Wiltshire Council area, in addition to any complaints against the 96 Wiltshire councillors, co-opted members and church and parent governors. To ensure the committee was able to carry out its increased responsibilities and particularly each stage of the local assessment of complaints, its size was increased from nine to 22 members. This included eight town and parish councillors. Furthermore I have ensured all committee members are trained to carry out their responsibilities fairly and with due regard to the law.

This year we have concentrated on:

- implementing and further developing our processes to ensure fairness and transparency in our handling of complaints arising from the Wiltshire Council Code of Conduct
- promoting understanding of the standard of behaviour required by developing training packages, one for Wiltshire councillors and one for town and parish councillors
- raising member and public awareness of this standard of behaviour and complaint procedures by producing and distributing a leaflet on the code itself and developing another on the local assessment procedure
- identifying our priorities for the next four years to ensure high standards of conduct and good governance remain core values of the council.

All our meetings are characterised by open and constructive discussion and I thank fellow members and our officers for their hard work and valuable contributions. Progress has been made in a number of important areas and the committee is keen to maintain this momentum and take forward its work programme proactively this year. The public are welcome to attend our meetings and I welcome their contribution to the discussions.

I am very pleased that the Wiltshire Council Standards Committee has continued to play an effective role in the work of the council. Public trust in elected representatives has been adversely affected by the behaviour of some Members of Parliament and I believe it is more important than ever that this committee does all it can to raise public trust in local democracy by promoting consistently high standards of conduct throughout local government in Wiltshire. I look forward to working with Wiltshire Council, town and parish councils, the people of Wiltshire and officers to achieve this vision over the coming year.

Isabel McCord  
Independent Member and Chairman of the 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 96 members of Wiltshire Council, co-opted members, church and parent governor representatives, 255 town and parish councillors and 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 and parish 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 (Chairman), Ian McGill CBE, Stuart Middleton, Gerry Robson OBE (Vice-Chairman) and Keith Shipman

### **Wiltshire Council members (six)**

Cllr Nigel Carter, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Malcolm Hewson, Cllr Julian Johnson and Cllr Ian McLennan

### **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

\* Wiltshire Council Standards Committee representative on the Assurance Group

Keith Shipman retired at the end of March 2010 having served for four years and having chaired the committee during 2008/09. The committee is grateful for his services and the valuable contribution he has made particularly during the transition to one council and the development of the local assessment process.

The Wiltshire Council Standards Committee will be reviewing its size and composition with the aim of ensuring there are the optimum number of members to deliver its objectives and carry out its responsibilities.

### **The monitoring officer**

Wiltshire Council's monitoring officer, Ian Gibbons, and other officers from the governance team and democratic services section 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:

<b>Standards committee</b>	<b>5</b>
<b>Assessment sub-committee</b>	<b>12</b>
<b>Review sub-committee</b>	<b>4</b>
<b>Consideration sub-committee</b>	<b>3</b>
<b>Hearing</b>	<b>3</b>
<b>Dispensation sub-committee</b>	<b>3</b>
<b>Training sub-committee</b>	<b>2</b>
<b>Communications sub-committee</b>	<b>6</b>

Some of these meetings are public meetings and the committee welcomes contributions from all who attend. Agenda, papers and minutes are on the Wiltshire Council web site ([www.wiltshire.gov.uk](http://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 whether the alleged breach, if proven, justifies the holding of a full hearing into the complaint.

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 2009/10

### Number of complaints received

Of the 46 complaints received, 30 were assessed by sub-committees of the standards committee, whilst two were assessed by previous district council standards committees prior to the establishment of Wiltshire Council.

### The outcome of the complaints that were assessed was:

Action	Numbers
Investigated/under investigation	14
Other action	3
Dismissed	13
Adjourned pending more information	1

### The 15 complaints that were not assessed fall into the following categories:

Reasons for no assessment	Numbers
Case closed as further details not provided	11
Not a code of conduct complaint	3
Yet to be assessed	1

## **The work of the Wiltshire Council Standards Committee April 2009 – March 2010**

### **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. The committee noted that the percentage of complaints going forward to investigation was higher than the national average and that this was also the case for other local authorities.

### **Training**

The training needs of the committee were met, including training on the code of conduct and specific training on the role of the standards committee and its members.

Mindful that the assessment of complaints into alleged breaches of the code was a relatively new area of work for the committee and that more complaints were going forward for investigation than the national average, follow-up training in this area was provided. This took the form of viewing the 'Assessment Made Clear' DVD produced by Standards for England; a question and discussion session, sharing learning points, examining case studies and exploring use of other action, including mediation.

Training packages for both Wiltshire Council committee members and town and parish councillors were developed for use in the forthcoming year. The former took account of the work of the Wiltshire Council Members Development Group while the latter was developed in conjunction with the Wiltshire Association of Local Councils (WALC).

A training sub committee was set up to look at these and all other training issues. It disbanded in January 2010 and its areas for action were included in the Wiltshire Council Standards Committee Plan 2010/14.

### **Raising awareness of the code of conduct**

The committee took the view that the majority of complaints made against members into alleged breaches of the code stemmed from a misunderstanding of the provisions of the code rather than a wilful act to breach it.

The committee considered it was important to take a proactive stance in raising awareness of the provisions of the code particularly among town and parish councils in order to create a better understanding and observance of it which, in turn, would bring about a reduction in the number of complaints received.

To this end, a letter was circulated to all town and parish councils in the council's area which drew attention to the work of the standards committee and outlined ways in which Wiltshire Council may be able to support governance arrangements in those town and parish councils. The letter included a leaflet, developed by the communication sub-committee, which summarised the key provisions of the code of

conduct; a copy of the Standards for England DVD 'The Code Uncovered' and a booklet kindly donated by Wiltshire Association of Local Councils (WALC) 'The Good Councillor Guide'. The leaflet is available on the Wiltshire Council website, in the hubs, libraries and Citizen's Advice Bureaux.

Furthermore the committee has approved the leaflet on the local assessment process developed by the communications sub-committee for the public. This leaflet will also be made available shortly on the Wiltshire Council website, in the hubs, libraries and Citizens Advice Bureaux.

The chairman of the committee and monitoring officer met with the leader of the council and chief executive to explain and promote the work of the standards committee. A further meeting has been arranged with the leader and recently appointed chief executive and future meetings have been arranged to take place on a quarterly basis. The aim is to ensure that high standards of conduct and ethical governance remain core values of Wiltshire Council.

The committee endorsed a communications strategy developed by its communication sub-committee. This sub-committee disbanded in January 2010 and its work plan was incorporated into the Wiltshire Council Standards Committee Plan 2010/14.

#### **Determining applications for dispensations**

In considering the implications of the Standards Committee (Further Provisions) (England) Regulations 2009, the committee agreed a procedure and criteria for dealing with applications for dispensations and established a sub-committee to determine such applications.

#### **Review of Wiltshire Council's Constitution**

Wiltshire Council's Constitution was reviewed prior to the establishment of the unitary authority. In keeping with its role of overseeing the constitution, the standards committee was kept informed of the progress on reviewing the document. The chairman of the standards committee chaired a cross-party group of members, the focus group on the constitution, which assisted with the review and made recommendations to the Implementation Executive (IE) prior to consideration and adoption of an updated constitution by the council in February and June 2009.

Adoption of the constitution was on the basis that a review of the effectiveness of the document would be undertaken in light of experience after six months and the standards committee was requested to undertake such a review. The committee therefore agreed a process for undertaking the review and established another cross-party focus group which includes standards committee representation to progress the review. This will be a major piece of work for the standards committee in 2010.



## **Register of Interest**

The committee considered an annual update which confirmed that following the elections in June 2009, all elected and co-opted members of the council had complied with their obligation to provide details of their interests as required by the code. The committee was also satisfied that members would continue to receive periodic reminders of their obligations to update their register of interest forms and submit details of any gifts and hospitality received as and when necessary.

Following recommendation by this committee, the council agreed that members and co-opted members of Wiltshire Council may opt into the on-line publication of their entries in the statutory register of members' interests. This is in addition to the statutory obligation to make the register of interests open for public inspection.

## **Wiltshire Council Standards Committee Plan 2010/14**

In order to ensure that it remains effective in its role and makes the best use of its resources, the committee agreed its priorities over the next four years subject to reviewing the plan every quarter.

The plan was drawn up using Standards for England guidance on what excellent standards committees should be doing and was linked to the goals and aims of the council.

## **Local government Ombudsman**

The committee received a presentation from Jerry White, the local government Ombudsman, and Vereena Jones, assistant Ombudsman, on the role of the Ombudsman and the relationship between the Ombudsman and the council. The Ombudsman also presented his annual review of Wiltshire Council for the year ended March 2009 in which it was noted there had been a reduction in complaints made to the Ombudsman against the council.

## **Whistle-blowing procedure**

The committee noted that the Whistle-blowing procedure had been revised to take account of advice from the external auditors, good practice and learning gained from running the procedure over the past five years.

## **Annual Assembly of the Standards Board for England – 12-13 October 2009**

It is customary for the Wiltshire Council Standards Committee to be represented by a member and officer at the annual assembly. Some 800 delegates attended from councils across England. Councillor Ernie Clark attended the annual assembly on behalf of the chairman, along with the monitoring officer. The standards committee considered a report on the outcomes of the assembly.

## **'The Bulletin'**

The committee continued to receive 'The Bulletin' newsletter from Standards for England. The committee finds the publication useful in terms of benchmarking against best practice in other authorities and in further developing its procedures in the light of Standards for England advice.

## **Reports**

The committee considered the following reports:

- **The annual audit and inspection letter**

The committee noted that there were no significant ethical governance issues.

- **Department of Community Services Compliments and Complaints Annual Report 2008/09**

The committee noted that some major improvements had taken place in this area, but requested that in future, benchmarking information be included.

- **Annual Governance Statement**

The committee noted that ethical governance issues were adequately addressed in the document.

## **Issues for 2010/11**

The committee will continue with its core functions which includes continuing to look at the following areas:

- consider the local government Ombudsman's annual report
- consider the annual audit and inspection letter regarding ethical governance issues
- review the effectiveness of the council's whistle-blowing policy
- provide views on the council's annual governance statement prior to adoption by the audit committee
- ensure members' compliance with the code of conduct in respect of the completion of the register of members' interests and gifts and hospitality forms.

As mentioned above, the committee has agreed a standards committee plan for the period 2010/14 to focus the committee's attention on its priorities. The plan will be considered by the committee every quarter to review its priorities as necessary. The following areas of work have been included in the standards committee plan:

### **Local standards framework**

The committee will review its processes to ensure it continues to apply the local standards framework in a fair, efficient and proportionate manner.

### **Promote ethical wellbeing**

The committee will promote the ethical well-being of Wiltshire Council by embedding standards further within the council. It will do this by supporting the council in moving to a single culture by promoting the values articulated in the council document 'What will we be like'; increasing the committee's visibility at meetings of council, cabinet, committees and area boards and hold regular meetings between the chairman of the committee, the leader and chief executive of the council.

**Review of the constitution**

As requested by the council, the committee will undertake the review of the council's constitution to ensure it continues to be lawful and fit for purpose. The review will be carried out with the assistance of a cross-party group of councillors and representatives of the Wiltshire Council Standards Committee and Overview and Scrutiny Management Resources Select Committee and Audit Committee.

**Complaints handling**

The committee will review how the council handles complaints received to ensure they are dealt with efficiently and lead to improvements to services to the public.

**Code of conduct training**

The committee will ensure the provision of training on the code of conduct for elected and co-opted members of the council and monitor the take-up and effectiveness of the training.

**Town and parish councils**

The committee will communicate regularly with town and parish councils on standards issues. It will promote excellence in wider aspects of governance through membership of WALC.

**Standards in local government**

The committee will inform and engage the public on standards in local government. It will do this by providing articles related to the code of conduct in Wiltshire Council's internal and external communications and ensure committee representation at public meetings and events. It will also distribute leaflets on making a complaint and the local assessment procedure for distribution throughout the council's area. The committee will also assist in reviewing the Wiltshire Council website to ensure easy access and navigation.

**Promote standards in partnerships**

The committee will review partnership governance arrangements and incorporate agreed values and standards of behaviour in partnership documentation.

## Would you like to be involved?

The position of independent member is open to anyone who can demonstrate they:

- can exercise personal integrity and are committed to integrity in local government
- have experience of critically assessing written and verbal evidence and reaching a balanced and objective decision based on the evidence
- have comprehensive experience of working with a wide range of people, both colleagues and customers or service users, and that they can communicate effectively at all levels
- are able to express their ideas and point of view confidently, effectively and tactfully
- have excellent listening skills
- have experience of problem solving and analysis
- are tenacious and independent, and can exercise persuasion and influence
- have an understanding of the principles and practice of equality and diversity and are committed to those principles

If you are interested in applying to serve on the Wiltshire Council Standards Committee as an independent member or as a town or parish council representative when a vacancy arises, please look out for the advertisements in the local newspapers, or register your interest with us using the contact details below and we will contact you when we next recruit new members.

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:

Yamina Rhouati Tel: 01225 718024 Email: [yamina.rhouati@wiltshire.gov.uk](mailto:yamina.rhouati@wiltshire.gov.uk)  
Nina Wilton Tel: 01225 713078 Email: [nina.wilton@wiltshire.gov.uk](mailto:nina.wilton@wiltshire.gov.uk)

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

[http://cms.wiltshire.gov.uk/standards\\_committee](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

WILTSHIRE COUNCIL

AGENDA ITEM NO.

STANDARDS COMMITTEE

19 May 2010

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## **Dispensations - Dual-Hatted Members of Area Boards**

### **Purpose of Report**

1. To advise the Committee on the position of dual-hatted members of area boards in relation to their consideration of grant applications by parish, town and city councils ('parish councils'), and on the grant of dispensations to such members since the Committee adopted its procedure in July 2009.

### **Background**

2. At its meeting on 8 July 2009 the Committee agreed a procedure for the determination of requests for dispensation under the Standards Committee (Further Provisions) (England) Regulations 2009. A copy of the procedure is attached at Appendix 1.
3. Since July 2009 we have received a total of 13 requests for dispensation, 10 of which have been from dual-hatted members of Wiltshire Council's 18 area boards and 3 from parish councillors. This report focuses on dispensations for dual-hatted members, who for these purposes are Wiltshire Councillors who are both a member of an area board and a member of a parish council which is represented in the wider membership of that board.
4. At a meeting of the Dispensation Sub-Committee on 8 January 2010, following consideration of a dispensation request from a dual-hatted member of the Trowbridge Area Board, the Sub-Committee asked me to review the position of dual-hatted members on area boards, with particular reference to the distribution of grants to parish councils by area boards, and to report back to the Standards Committee.

### **Main Considerations for the Council**

5. The position of dual-hatted members on area boards in relation to the determination of matters such as the award of grants or transfer of assets to parish councils has been a significant issue for some area boards, particularly those with a large proportion of dual-hatted members from the same parish council.
6. Appendix 2 gives a summary of the numbers of dual-hatted members on each of the 18 area boards and details of the dispensations which have been granted to date in respect of these.
7. My advice with regard to the Code of Conduct is that a dual-hatted member considering a grant application from the parish council they represent has a prejudicial interest, based on the reasoning set out below. Part 2 of the Code is attached as Appendix 3 for ease of reference.

8. The particular issue for dual-hatted members, so far as the Code of Conduct is concerned, is how the matter under consideration affects them in their capacity as a member of the parish council, rather than how it affects them personally, though it will always be necessary to consider whether there are any personal circumstances which bring into play other provisions of the Code relating to interests.
9. A dual-hatted member is required under paragraph 13(1) of the Code to register their membership of a parish council in their register of interests. As the parish council is a body exercising functions of a public nature this falls within the category of interest described in paragraph 8(1)(a)(ii)(aa) of the Code.
10. Under paragraph 8(1)(a), and 8(1)(a)(ii)(aa), they have a personal interest in any business of the area board that relates to or is likely to affect the relevant parish council.
11. It is then necessary to go on to consider whether the personal interest is also a prejudicial interest. Where the area board is considering a grant application by the parish council it seems clear that a member of the public with knowledge of the relevant facts would reasonably regard the member's interest, as a member of the parish council, as so significant that their judgment of the public interest on the matter is likely to be prejudiced - paragraph 10 (1) of the Code). In other words a member of the public knowing all the facts is likely to perceive that the councillor is bound to vote in favour of awarding grant to the body they represent. Other organisations competing for grant funding will perceive bias and unfairness if dual-hatted members are involved in deciding grants for the council they represent.

12. Paragraph 10(2) of the Code provides:

You do not have a prejudicial interest in any business of the authority (*i.e. Wiltshire Council - Area Board*) where that business-

- a. does not affect your financial position or the financial position of a person or body described in paragraph 8 (*i.e. the parish council*);
- b. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8 (*parish council*). [*italics mine*]

The business of determining the parish council's grant application clearly affects the financial position of the parish council and, therefore, the exception in paragraph 10(2) of the Code does not apply.

13. None of the exemptions in paragraph 10(2)(c) of the Code apply.
14. A dual-hatted member, therefore, has a prejudicial interest in respect of this item of business and, under paragraph 12 of the Code, they are unable to participate and vote. However, they are able to make representations to the same extent as any member of the public before withdrawing from the meeting - paragraph 12(2)). Under Wiltshire Council's Constitution this means that they can speak for up to three minutes on the matter before withdrawing from the meeting.
15. A member with a prejudicial interest may apply to the Standards Committee for a dispensation to enable them to take part and vote on the matter. Under the 2009 Regulations a dispensation may be granted where the transaction of the Council's business would otherwise be impeded by, or as a result of, the Code of Conduct

because:

- a. more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting; or
- b. the number of members prohibited from voting at a meeting would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting;

The second limb b. above is not relevant to area boards as they are not politically balanced.

16. It is not legally possible to grant a blanket dispensation to all dual-hatted members of area boards. In accordance with Standards for England's guidance, applications must be made on an individual basis and considered on their own merits. Dispensations may only be granted if the legal criteria referred to in paragraph 14 above are met.
17. There are particular difficulties in area boards with a small number of members e.g Westbury or Marlborough (4 members). If two of the members have a prejudicial interest the area board will be unable to make a decision on that item as it will not have the required quorum of 3. However, it will not be possible to deal with the problem by granting a dispensation unless the legal threshold of more than 50% referred to in paragraph 14 a. above is met. The problem will have to be resolved by some other means outside the remit of the Standards Committee.
18. The Dispensations Sub-Committee has sought to grant dispensations within the legal framework to ensure that the Council is able to discharge its business efficiently and effectively through its area boards whilst at the same time maintaining public confidence in the decision-making process. Details of the terms of dispensations granted so far are set out in Appendix 2.
19. The broadest dispensation granted so far is in respect of a member of Trowbridge Area Board and covers any item of business of the Area Board relating to Trowbridge Town Council, which affects the financial position of Trowbridge Town Council (e.g. applications for grant by the Town Council) or concerns the determination of any approval, consent, licence, permission or registration in relation to the Town Council (e.g. planning applications by the Town Council). This dispensation is effective until 30 April 2013 but is subject to review in the event of any material change of circumstances.
20. On 11 May 2010 the Dispensation Sub-Committee considered 3 similar requests for dispensation and decided that a more limited approach was appropriate to enable the position to be reviewed by the Standards Committee in the light of developments in the functioning of area boards. In these cases the terms of the dispensation enables the councillors concerned to participate and vote in the consideration of business concerning the allocation of grant funding or the transfer of assets to the relevant parish council and will remain effective until 30 April 2011. The Sub-Committee proposed that the Standards Committee should review the dispensations granted on an annual basis.
21. Appendix 4 provides a summary of grants awarded by area boards to parish councils compared with the total amount of grant funding awarded during 2009/10.
22. Whilst it is a matter for individual councillors to satisfy themselves that they are meeting their obligations under the Code of Conduct with regard to the declaration of interests, it is important to ensure, as far as possible, in the interests of public confidence that there is consistency in the way these are dealt with by dual-hatted members. This includes making it clear to the public why such councillors are declaring interests and withdrawing

from the meeting, and the purpose and effect of a dispensation. This is something that may usefully be included in the presentation which we are preparing for area boards on standards for the Autumn.

23. We are reviewing the guidance on dual-hatted councillors and dispensations, which was issued last July. This will be circulated to councillors through the Elected Wire and published on the intranet. Staff from the Democratic Services team are involved in preparing this advice, which we expect to be ready by the end of this month. They are the front line officers who advise on matters concerning the declaration of interests at meetings of area boards and help to promote consistency of approach.
24. We are also proposing to arrange small workshops from time to time for Wiltshire Councillors who feel they need advice and assistance on particular aspects of the Code, such as dual-hatted issues.

### **Conclusion**

25. Whilst there is nothing in law to prevent a person from being a dual-hatted member, this does raise issues of potential conflict and requires careful observance of the provisions of the Code of Conduct in order to ensure that decisions on grants and similar matters are open and transparent and command the confidence of the public.
26. The Standards Committee may assist this process by the use of dispensations within the legal framework set by the regulations. It is important to maintain an overview of their use, particularly in relation to dual-hatted councillors on area boards. An annual review by the Committee of dispensations granted would be desirable. Decisions on specific requests will continue to be drawn to the attention of the Committee through the minutes of the Dispensation Sub-Committee.
27. Steps will be taken to promote consistency of approach by dual-hatted members on area boards, including the issue of guidance and training.

### **Environmental Impact**

28. None.

### **Equalities Impact**

29. None

### **Financial Implications**

30. None.

### **Legal Implications**

31. The legal criteria for granting dispensations are contained in the Standards Committee (Further Provisions) (England) Regulations 2009 and are incorporated in the Standards Committee's procedure.



## **Proposal**

32. The Committee is asked to :

- (1) note the report and make any observations on the content;
- (2) agree that the Standards Committee should review the grant of dispensations on an annual basis.

**Ian Gibbons**  
**Monitoring Officer**

Report Author: Ian Gibbons

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**The following unpublished documents have been relied on in the preparation of this Report: None**

## **Appendices**

Appendix 1 - Wiltshire Council Dispensation procedure

Appendix 2 - Dual-hatted members on Area Boards

Appendix 3 - Excerpt from the Code of Conduct for Members

Appendix 4 - Summary of Grants awarded by area boards

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**Appendix 1**  
**Wiltshire Council Dispensation Request Procedure**

**Wiltshire Council**  
**Standards Committee**  
**Dispensation Requests**  
**Application Process and Criteria for Determination**

**Introduction**

- 1 The Standards Committee is responsible for determining requests for dispensation by members of Wiltshire Council and Wiltshire Town, Parish and City Councils under the Standards Committee (Further Provisions) (England) Regulations 2009.
- 2 This note explains:
  - the purpose and effect of dispensations;
  - the procedure for requesting dispensations;
  - the criteria which the Standards Committee apply in determining dispensation requests;

**Dispensations**

- 3 In certain circumstances members may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because the member has a prejudicial interest. Provided members act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct.

**Process for Making Requests**

- 4 Any member who wishes to apply for a dispensation must complete the attached form at Appendix A and submit it to the Monitoring Officer at least 14 days before the meeting for which the dispensation is required. The Monitoring Officer will arrange a meeting of the Dispensation Sub-Committee to consider the request at the earliest opportunity.
- 5 In order to avoid delay members must ensure that they give full details of the grounds for their request and submit it to the Monitoring Officer as soon as they become aware that a dispensation is necessary.
- 6 A request for dispensation must be made on an individual basis. Group applications are not permitted.
- 7 Meetings of the Dispensation Sub-Committee will normally be open to the public and any member who has submitted a request will have the opportunity to attend and make representations in support of their application.

**Criteria for Determination of Requests**

- 8 The Dispensation Sub-Committee may grant a dispensation where the transaction of the Council's business would otherwise be impeded by, or as a result of, the Code of Conduct because:
- a) more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting; or
  - b) the number of members prohibited from voting at a meeting would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting;
- 9 Dispensations will not be granted in the following circumstances:
- a) to allow a member to vote at an overview and scrutiny committee in respect of a decision made by any body of which that person was a member at the time the decision was taken;
  - b) to allow a member of the Cabinet with a prejudicial interest in an item of executive business to take an executive decision on the matter on their own.
- 10 The Dispensation Sub-Committee may grant a dispensation:
- a) for one term of business
  - b) for a period not exceeding 4 years
  - c) allowing the member to participate in the meeting and vote
  - d) allowing the member to speak but not vote
- 11 In reaching a decision on a dispensation request the Dispensation Sub-Committee will:
- a) have regard to guidance issued by the Standards Board for England - see Appendix B;
  - b) disregard any dispensations that have already been granted to other members of the same body;
  - c) take into account:
    - (i) the nature of the member's prejudicial interest;
    - (ii) the need to maintain public confidence in the conduct of the Council's business;
    - (iii) the impact on the outcome of the proposed vote;
    - (iv) the need for efficient and effective conduct of the Council's business;
    - (v) any other relevant circumstances.

### **Notification of Decision**

- 12 The Monitoring Officer will notify the member of the Sub-Committee's decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the meeting.
- 13 Any member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.
- 14 A copy of the dispensation will be kept with the Register of Members' Interests.



**Appendix A**  
**Wiltshire Council**  
**Standards Committee**  
**Dispensation Request Form**

*Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying guidance “Dispensation Requests - Application Process and Criteria for Determination”*

*If you need any help completing this form please contact Ian Gibbons, Monitoring Officer on 01225 713052 or by e-mail [ian.gibbons@wiltshire.gov.uk](mailto:ian.gibbons@wiltshire.gov.uk)*

Full Name .....

Address .....

.....

Telephone / E-mail .....

Name of Council .....

Please set out below your reasons for applying for a dispensation having regard to the criteria set out in the accompanying guidance. Your statement in support of your application should cover the following:

- the decision-making body in respect of which you require a dispensation, including details of membership;
- details of the matter for which you require a dispensation (meeting(s) and item(s) of business);
- details of your interest in the business for which you require a dispensation;
- reasons why you consider a dispensation is necessary;
- the terms of the dispensation you are seeking;



## **Appendix B**

### **Guidance from the Standards Board for England on Dispensations**

Please use the following link:

<http://www.standardsforengland.gov.uk/TheCodeofConduct/Guidance/Standardscommittees/Dispensations%20FINAL.pdf>



**Appendix 2**

**DUAL HATTED MEMBERS ON AREA BOARDS**

<b>Name of Area Board</b>	<b>No. of Dual Hatted Members</b>	<b>Dispensations Granted</b>
Amesbury	5 out of 6, but different town and parish councils	None
Bradford on Avon	1 out of 4 25%	None
Calne	3 out of 5 60%	Cllrs Hill, Marshall and Trotman granted dispensations for one specific grant application considered on 25 Sept 09
Chippenham	5 out of 10 50%	None
Corsham	3 out of 4, but different town and parish councils	None
Devizes	2 out of 7 29%	None
Malmesbury	1 out of 4 25%	None
Marlborough	2 out of 4 50%	None
Melksham	4 out of 6 67%	Cllr Eaton has been granted a dispensation to speak and vote on grant applications and transfer of community assets relating to Melksham Town Council to run until 30 April 2011.
Pewsey	0	None
Salisbury	2 out of 8 25%	None
South West Wiltshire	2 out of 8 20%	None
Southern Wiltshire	1 out of 5 20%	None
Trowbridge	7 out of 9 78%	Cllr Fuller has been granted a dispensation to speak and vote on any item of business relating to Trowbridge Town Council, which affects its financial position or concerns the determination of any approval, consent, licence, permission or registration in relation to the Town Council. This dispensation is effective until 30 April 2013 but is subject to

		<p>review in the event of any material change of circumstances. for 4 years.</p> <p>Cllrs Helen Osborne and Jeff Osborne have been granted a dispensation to speak and vote on grant applications and transfer of community assets relating to Trowbridge Town Council to run until 30 April 2011.</p>
Tidworth	3 out of 3 100%	None
Warminster	3 out of 5 60%	None
Westbury	2 out of 4 50%	<p>Cllrs R. Hawker and M. Cuthbert-Murray have been granted a dispensation to enable them to participate and vote at meetings of Westbury Area Board on matters pertaining to grant applications from Westbury Town Council, but only where one of the remaining voting members of Westbury Area Board, who is not also a member of Westbury Town Council, is absent from the meeting. This is to apply until 30 April 2013, subject to review in the event of any material change of circumstances.</p>
Wootton Bassett and Cricklade	3 out of 6 50% (but for different town and parish councils)	None

**Appendix 3**  
**Excerpt from the Code of Conduct for Members**

**Part 2**

**Interests**

**Personal interests**

8. —(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) 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 to charitable purposes; or

(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;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

**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.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

### **Prejudicial interest generally**

**10.** —(1) 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.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

### **Prejudicial interests arising in relation to overview and scrutiny committees**

**11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

**12.** —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

**Appendix 4**

**GRANTS MADE BY AREA BOARDS**

<u>Area Board</u>	<u>Total Grant Funding 2009/10</u>	<u>Grant Funding to Town and Parish Councils 2009/10</u>
<b>Amesbury</b>	£37,743	£19,238
<b>Bradford on Avon</b>	£27,144	£5,000
<b>Calne</b>	£21,724	£1,000
<b>Chippenham</b>	£37,951	£2,995
<b>Corsham</b>	£19,785	£6,503
<b>Devizes</b>	£30,109	£2,760
<b>Malmesbury</b>	£21,753	£4,234
<b>Marlborough</b>	£17,613	£2,528
<b>Melksham</b>	£35,538	£6,203
<b>Pewsey</b>	£24,683	£10,036
<b>Salisbury</b>	£43,036	£0

<b>South West Wiltshire</b>	£73,062	£13,260
<b>Southern Wiltshire</b>	£30,187	£3,615
<b>Trowbridge</b>	£42,419	£13,500
<b>Tidworth</b>	£27,418	£2,355
<b>Warminster</b>	£25,300	£0
<b>Westbury</b>	£29,335	£10,600
<b>Wootton Bassett and Cricklade</b>	£26,939	£9,315



## COMMITTEE'S WORK PLAN

<u>Meeting Date and Time</u>	<u>Name of Report</u>	<u>Scope of Report</u>
Wednesday 21 July 2010	Report of the Task and Finish Group on Presentation to Area Boards	
	Update on Town and Parish Pilot Training Sessions	
	Status Report on Complaints made under the Code of Conduct	
	Use of mediation and informal resolution of complaints.	
	Update on Review of Constitution	
	Annual Governance Statement 2009-10	
Wednesday 22 September 2010	Size and composition of the Standards Committee	
	Annual Report of the Local Government Ombudsman (tbc)	To consider the report and make recommendations as appropriate

Dates of future meetings:

Wednesday 24 November 2010

Wednesday 12 January 2011

Wednesday 9 March 2011

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