

## STANDARDS COMMITTEE

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### MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 21 JULY 2010 AT COMMITTEE ROOM III, COUNTY HALL, TROWBRIDGE.

#### Present:

##### Wiltshire Council Members

Cllr Nigel Carter, 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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#### 51. **Apologies**

Apologies were received from Cllrs Ernie Clark and Peter Fuller

#### 52. **Minutes of previous meeting**

The minutes of the meeting held on 19 May 2010 were presented.

#### **Resolved:**

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

## 53. **Chairman's announcements**

### **Bereavement**

The Chairman extended her sympathy, and that of the committee, to Ian Gibbons and his wife for their sad loss.

### **Coalition government**

The Chairman drew members attention to the announcement by the coalition government announced in the Queen's speech that it intended to abolish the standards regime. No further details were available at present, however the Standards for England annual assembly due to be held in October has been cancelled.

The Code of Conduct remains in force until any legislation to the contrary is passed. The Council will therefore continue to handle complaints under the Code using the processes we have put in place.

Our wider duty to promote good governance is unaffected by the proposed abolition of the standards regime.

The committee will review its plan in the light of these developments at the September meeting.

### **The Independent Forum**

The next meeting of the Forum had been delayed until late September/early October until there was more information on the new Standards regime. It was suggested that as it was more likely that there would not be any information before the New Year that any meeting be deferred until then when the Forum could meet to discuss any consultation material that was available.

### **Council summons**

The Chairman said that if any members of the committee did not want to receive hard copies of the Council summons they should inform Democratic Services.

### **Review of the constitution**

A meeting had been arranged for 29 July. Main areas to be considered were:

- Review of Development Control
- Scrutiny: overview and scrutiny arrangements and designation of Scrutiny Officer
- Protocol on membership of outside bodies
- Update on changes which have already been agreed by council.
- Analysis of the responses from members returned questionnaires on their views on the constitution.

### **Annual report**

The Chairman informed the committee that the committee's annual report had been presented to Council on 13 July, there had been no questions.

### **Register of Interests – online publication**

The Chairman reminded members of the decision to publish online on an opt-in basis. She said that it would be helpful if the committee led by example having made the recommendation to Council.

### **Officer Code of Conduct**

The Chairman informed the committee that Council had approved at updated Code of Conduct for officers at its meeting on 13 July. Details could be found in the Staffing Committee minutes of 19 May.

### **Online Code of Conduct training**

The Chairman drew member's attention to an article in Elected Wire which advised that the online training tool was now available.

#### **54. Declarations of Interest**

There were no declarations of interest

#### **55. Public participation**

There were no members of the public present.

Councillor Francis Morland spoke in respect of the exempt agenda item and expressed concern that this was being considered in closed session and that no decision notice in respect of this Hearing had as yet been published.

#### **56. Minutes of sub-committees**

The minutes of the Dispensation sub-committees held on 11 May and 17 June were presented. The Monitoring Officer drew member's attention to the minutes of 17 June and explained that an error had been made and the revised minutes would be circulated to sub-committee members shortly.

Concerns were raised regarding inconsistent timescales arrived at by different panels. The Chairman requested that a report be brought to the next meeting detailing ways of achieving consistency.

### **Resolved**

**That the minutes be noted and that a report be brought to the next meeting on ways of achieving consistent timescales.**

## **57. Update on Town and Parish Council Training Sessions**

The Head of Governance updated members on town and parish training sessions. She suggested that training should be actively offered to any town and parish councils that had asked for advice or where there was clearly a need.

The committee noted the helpful response from the Councillor Development Group to allow town and parish councillors to attend its training on a fill up basis.

It was agreed that the Chairman would send a letter out to all town and parish councils enclosing a copy of the Standards Committee leaflet and reminding them that the Code of Conduct remains in force and the Standards Committee will continue to carry out its statutory responsibilities of handling complaints regarding the Code and granting dispensations from requirements relating to interests. The letter would also add that if there were spaces on any training sessions on the Code then these would be offered to town and parish councils via Wiltshire Association of Local Councils.

It was also agreed that a letter be sent to all Wiltshire Councillors asking them to help in identifying which councils would benefit from such training and in encouraging them to take it up.

### **Resolved**

- 1. That training should be actively offered to any town and parish councils that had asked for advice or where there was clearly a need.**
- 2. That the Chairman writes to all town and parish councils inviting them to participate in any available training sessions.**
- 3. That the Chairman writes to all Wiltshire Councillors asking them to assist in identifying any town and parish councils that would benefit from training.**

## **58. Arrangements for Mediation**

The Monitoring Officer presented the report which asked the committee to consider the use of mediation as a means of preventing or resolving complaints under the Code of Conduct.

The committee considered the report and the consensus was that mediation was a useful alternative for investigation in some cases and that its use should be pursued.

It was noted that the Council did not have any trained mediators. The Monitoring Officer and the Head of Governance would be prepared to attend mediation training, after which they would be able to offer mediation in cases where that would appear to be an appropriate remedy, however it was acknowledged that there were resource implications. To this end it was suggested that any members of the committee who were experienced in mediation, and were prepared to offer their services, liaise with the Monitoring Officer.

### **Resolved**

- 1. That the committee support mediation as the best way forward in some cases.**
- 2. That the Monitoring Officer liaises with members of the committee who are experienced in mediation and looks at ways of taking this forward.**

### **59. Report of the Task and Finish Group on Presentations to Area Boards**

Mr Gerry Robson OBE gave a verbal update on progress and said that the group had not met since the last Standards Committee meeting and he requested guidance on how the committee wished to move this forward.

A debate ensued during which concerns were raised regarding the effectiveness of presentations and it was suggested that perhaps the message from the Standards Committee could be incorporated into presentations on the cultural change programme. It was also noted that the presentation needed to centre on the interests aspect of the code and include dispensations as these were issues relevant to Area Boards.

### **Resolved**

**That Mr Robson and the Monitoring Officer liaise with Councillor Laura Mayes to find ways to link this into the cultural change programme and report back to the next meeting of the Standards Committee.**

### **60. Annual Governance Statement 2009 -10**

The Monitoring Officer presented the report which asked the committee to consider a draft Annual Governance Statement for 2009/10 before final approval is sought from the Audit Committee at its meeting on 30 September 2010.

He drew members' attention to the section on ethical governance.

It was requested that, in respect of paragraph 42 (b), mention be made of issue of quorums and dispensations that could be granted by the Standards

Committee and the leaflet that had been produced on the Standards Committee “Introducing your ... Standards Committee “One county, one standards”. It was also felt that in paragraph 18 an additional responsibility of the Standards Committee should be added namely “grants dispensations relating to personal and prejudicial interests”:

**Resolved**

**To note the report and make the necessary amendments as detailed above.**

**61. Code of Conduct Complaints Status Report**

The Head of Governance presented the report and explained the background to the items marked in amber and red.

The Chairman thanked the Head of Governance and her team for their work.

**Resolved:**

**To note the report**

**62. Forward Plan**

The committee’s forward workplan was presented and considered. It was agreed to move the item on the size and composition of the committee to November.

The Chairman said that it may be necessary to have an extra meeting of the committee in October to consider the review of the constitution report prior to its presentation to Cabinet.

**Resolved**

**To note the forward workplan and make the necessary amendments.**

**63. Urgent Items**

There were no urgent items

**64. Exclusion of the Press and Public**

**Resolved**

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 15 because it is likely that if members of the public were present there would be disclosure to them of exempt information as**

**defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

**65. Code of Conduct Determination Hearing**

A confidential report of a determination hearing was presented. Members discussed lessons learnt and the Monitoring Officer gave an update on how these issues had been addressed.

**Resolved**

**To note the report**

(Duration of meeting: 2.00 - 4.10 pm)

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

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