

STANDARDS COMMITTEE

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 22 SEPTEMBER 2010 AT COMMITTEE ROOM III, COUNTY HALL, TROWBRIDGE.

Present:

Wiltshire Council Members

Cllr Nigel Carter, Cllr Peter Fuller, Cllr Julian Johnson and Cllr Ian McLennan

Town/Parish Council Co-opted Members

Mr William Bailey, 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 Stuart Middleton and Mr Gerry Robson OBE (Vice-Chair)

Also Present:

Cllr F Morland

66. Apologies

Apologies were received from Cllr Ernie Clark, Mr Craig McCallum and Mr Ian McGill

67. Minutes of previous meeting

The minutes of the meeting held on 21 July 2010 were presented

Resolved

To approve as a correct record and sign the minutes.

68. **Chairman's announcements**

Review of the Constitution

The Chairman said that the review of the constitution was progressing well and that a further meeting of the Focus Group would be held on 8 October, following which a report would be prepared for consideration by Cabinet at its meeting on 19 October.

It had been planned to hold a meeting of the Standards Committee on 13 October to consider the Focus Group's recommendations however due to the tight timescales involved it was suggested that the committee meet instead on 25 or 26 October to discuss the report and any recommendations from Cabinet prior to consideration by Full Council at its meeting on 9 November.

The Chairman asked Democratic Services to contact committee members to establish their availability and arrange a meeting on one of the suggested dates.

Press release on future of the Standards Board regime

The Chairman drew member's attention to the recent press release from the Department of Communities and Local Government on the future of the Standards Board regime. She emphasised that the committee would carry on as usual until these proposed changes were enacted.

69. **Declarations of Interest**

Cllr Peter Fuller declared a personal interest in item no. 13 on the agenda as he is the recipient of a dispensation as mentioned in the report.

70. **Public participation**

There were no members of the public present

71. **Minutes of sub-committees**

The minutes of the Dispensation sub-committees held on 27 July and 19 August were presented.

Resolved

That the minutes be noted.

72. **Annual Report of the Local Government Ombudsman**

The committee considered the report of the Local Government Ombudsman for the period 2009-10 which was the first Annual Report from the Local Government Ombudsman since becoming Unitary.

It was noted that complaints and/or enquires from the Ombudsman have dropped by 29% since the publication of the last report, although the response times were still slightly above the target time.

Resolved

- a. That the report be noted
- b. To agree that the response times need to improve to meet the Local Government Ombudsman's target.

73. **Department of Community Services Compliments and Complaints Annual Report 2009-2010**

The committee considered the Department of Community Services Compliments and Complaints Annual Report for 2009 – 2010.

Mark Edwards, Programme Lead (Customer Service), answered member's questions and clarified information presented in the tables.

Resolved

That the report be noted.

74. **Code of Conduct Determination Hearing**

Public participation

Cllr Francis Morland expressed some concerns regarding the hearing process.

The Monitoring Officer introduced the report on the outcome of the Standards Hearing Sub-Committee which was held on 5 July 2010 to consider an allegation of a breach of the Code of Conduct for Members.

The outcome of the hearing was that no further action be taken however the sub-committee had made a recommendation that the Standards Committee undertakes a review of the procedures surrounding register of interest submissions and highlights the importance of registering personal interests. In the light of these recommendations a report would be brought to the Standards Committee's November meeting.

Resolved

- a. That the report be noted.
- b. That a report be brought to the November meeting of the committee on procedures surrounding register of interest submissions.

75. **Local Standards Framework - Review of Process**

The Monitoring Officer presented the report which requested the Committee to consider proposals for streamlining the process for dealing with complaints under the Code of Conduct following a review of the Council's procedures under the local standards framework.

The committee considered the proposal that the same sub-committee be appointed for both the consideration and hearing stages of the process.

Resolved

a. That the outcome of the review of the Council's procedures under the local standards framework and the steps suggested to streamline the process are noted.

b, That the possibility of informal resolution at the pre-complaint stage is actively explored where this is appropriate and that the merits of 'other action' at the assessment and review stages are fully considered;

c. That the same members are appointed to the consideration and hearing sub-committees, save where this is not reasonably practicable.

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

The Monitoring officer presented the report and drew member's attention to the downward trend in the number of cases received.

Resolved

That the report be noted.

77. **Review of the Standards Committee Plan 2010-2014**

The Chairman introduced the report which informed the Committee on progress made against the targets and priorities set in the Standards Committee's Plan since May 2010.

Resolved

That performance against the plan since the committee meeting in May 2010 be noted.

78. **Dispensations - Dual-Hatted Members of Area Boards**

The Monitoring Officer introduced the report which requested members to agree a policy on the granting of dispensations to dual-hatted members of area boards in relation to their consideration of applications by their parish, town or city councils ('parish councils') for grant or transfer of community assets.

The Monitoring Officer added that he considered that the most suitable policy would be to grant such dispensations for a period until the end of the unitary councillor's term of office in May 2013, subject to any material change in the circumstances under which the dispensation was granted. This was on the understanding that each case would be considered on its facts and exceptions would be made in exceptional circumstances.

The committee was asked if it wished to consider a fixed membership for the Dispensation Sub-committee to help reinforce consistency.

After a debate during which concerns were raised regarding notification of changes in material circumstances, the need for dispensations to be reviewed on an annual basis and the length of time granted for dispensations it was

Resolved

- a. **To agree to grant dispensations to the end of May 2013 on the basis that these would be subject to an annual review.**
- b. **That all members who are granted a dispensation are reminded to report any changes in material circumstances as soon as these occur and that they make clear the reason for the granting of the dispensation at each applicable meeting of the Area Board.**
- c. **That the Monitoring Officer writes to all Community Area Managers informing them of the committee's decision and asking them to ensure that members comply with the recommendations.**
- d. **That the membership of the Dispensation Sub-committee continues to be drawn from all members of the Standards Committee.**

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

Mr Gerry Robson OBE presented a verbal update. He said that he and the Monitoring Officer had met with Cllr Laura Mayes to look at ways that the Task and Finish Group's proposed presentation could fit in to the cultural change programme. During the discussion it was noted that the Council would be revisiting 'What we will be like' and it was agreed that the Standards Committee would be involved in the consultation meetings that will be taking place.

Mr Robson suggested that the Task and Finish Group's presentation be postponed in the light of the Government's proposals in respect of the standards regime but that a short statement should be issued to Area Boards to inform them of the proposals and reiterating that the present situation would continue for the foreseeable future.

Resolved

- a. That the presentation to Area Boards be postponed until the Government's plans for the standards regime have been determined.**
- b. That a short statement is prepared for Area Board Chairmen to read out at their autumn meetings.**
- c. To note that the Task and Finish Group will continue to work closely with the cultural change programme and will make regular updates on progress at future Standards Committee meetings.**

80. Forward Plan

The committee's forward workplan was presented and considered. The committee's forward workplan was presented and considered. It was noted that the Dr Jane White, the Local Government Ombudsman, would be happy to attend a future Standards Committee meeting and 9 March 2011 might present a suitable opportunity.

Resolved

To note the forward workplan and invite the Local Government Ombudsman to attend a future meeting

81. Standards for England Bulletin No. 48

The Standards for England Bulletin was presented.

Resolved

That the Bulletin be noted.

82. Urgent Items

There were no urgent items

(Duration of meeting: 2.00 - 3.25 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services,
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