

AGENDA

Meeting: **STANDARDS COMMITTEE**
Place: **Committee Room III, County Hall, Trowbridge**
Date: **Wednesday 9 March 2011**
Time: **2.00 pm**

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

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

Membership:

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 Stuart Middleton and Mr Gerry Robson OBE (Vice Chairman)

Part 1

Items to be considered when the meeting is open to the public

1. **Apologies**

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

To confirm and sign the minutes of the Committee meeting held on 12 January 2011 (copy attached).

3. **Chairman's announcements**

4. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests.

5. **Public Participation and Questions from Committee Members.**

The Council welcomes contributions from members of the public.

Statements

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. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of the agenda (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 2 March 2011. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Minutes of Sub Committees** (*Pages 5 - 10*)

The Committee is asked to receive and note the minutes of the following Sub-Committee:

Dispensations Sub Committee – 11 January 2011

7. **Review of the Standards Committee Plan 2010-2014** (*Pages 11 - 26*)

To consider the report of the Monitoring Officer

8. **Standards Committee Draft Annual Report 2010/11** (*Pages 27 - 36*)

To consider the committee's draft annual report

9. **Status Report on Complaints made under the Code of Conduct and cases Breakdown** (*Pages 37 - 44*)

To consider the report of the Head of Governance

10. **Outcome of a Consideration Sub-committee** (*Pages 45 - 52*)

To consider the report of the Monitoring Officer

11. **Forward Plan** (*Pages 53 - 54*)

To receive the committee's forward plan

12. **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.

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

None

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STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 12 JANUARY 2011 AT COMMITTEE ROOM III, COUNTY HALL, TROWBRIDGE.

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

Mr Philip Gill MBE JP, Mrs Isabel McCord (Chairman), Mr Stuart Middleton and Mr Gerry Robson OBE (Vice Chairman)

Also Present:

Cllr Francis Morland

1. Apologies

Apologies were received from Mrs Jane Bayley and Mr Michael Cronin

2. Minutes of previous meeting

The minutes of the meeting held on 24 November 2010 were presented.

Resolved:

To approve as a correct record and sign the minutes.

3. **Chairman's announcements**

There were no announcements

4. **Declarations of Interest**

There were no declarations of interest

5. **Public participation**

No members of the public wished to speak

6. **Minutes of Sub Committees**

The minutes of the Dispensation sub-committee held on 16 November 2010 were presented.

Resolved:

To note the minutes

7. **Localism Bill - Proposed Changes to the Standards Regime**

The Monitoring Officer introduced the report which outlined the main changes to the standards regime.

He explained the impact of the proposed regime, especially how it affected town and parish councils, and drew attention to an e-mail which had been received from Tisbury Parish Council.

It was suggested in the report that the Constitution Focus Group be asked to look at the Bill and come up with some suggestions on the way forward for Wiltshire Council should the proposals be adopted, Members of the Standards Committee would be welcome to attend the Focus Group meetings.

It was also agreed that a workshop should be arranged for all Committee members and that issues and comments arising from the workshop be forwarded to the Focus Group to assist their deliberations.

It was requested that, prior to the workshop, all assessments carried out by Wiltshire Council were broken down into categories to assist the members to identify key issues.

The composition of the committee was discussed in detail and it was agreed that the proposals of a committee of 15 members were acceptable but that this should be achieved by natural wastage.

Resolved

- 1. To request the Constitution Focus Group to look at the Localism Bill and develop a way forward for Wiltshire Council should the Bill be adopted.**
- 2. To arrange a workshop for all members of the committee.**
- 3. That the reduction in membership of the committee to 15 members be achieved through natural wastage.**

8. Annual Audit Letter 2009/10

The committee considered the Annual Audit Letter and noted that the governance arrangements were sound and that the council had continued to review, improve and consolidate its processes.

Resolved:

That the report be noted

9. Report of the Task and Finish Group on Presentation to Area Boards

Mr Gerry Robson OBE explained that the group had not met for some time and that the prime objective had been to keep Area Boards informed about the Standards regime by way of a presentation. In the light of the Localism Bill it was agreed that a presentation was no longer appropriate and it was therefore proposed to wind up the group and that the Standards Committee would keep town and parish council's informed of future developments.

Resolved:

To wind up the Task and Finish Group on Presentations to Area Boards.

10. Status Report on Complaints made under the Code of Conduct

The Monitoring Officer presented the report and explained that on average one third of cases go from assessment to investigation.

Resolved

That the report be noted.

11. **Feedback on the use of detailing findings of fact in investigation reports**

The Monitoring Officer introduced the item and explained that following experiences from previous Hearing Sub-Committees it had been decided that it would be helpful if the officer's report clearly detailed the findings of fact. This would enable Sub-Committee members to have the facts before them when it came to a hearing which could then be used as the basis for reaching a decision. This had already been trialled at a recent Consideration Sub-Committee and had proved to be useful.

12. **Review of Allowance for Standards Committee Members**

The Chairman introduced the report which outlined the action co-opted members could take if they wish to freeze their allowances at the current level.

Resolved:

That the report be noted

13. **Forward Plan**

The committee's forward workplan was presented.

Resolved

To note the forward workplan.

14. **Urgent Items**

There were no urgent items

(Duration of meeting: 2.00pm - 3.30 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

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

STANDARDS DISPENSATION SUB-COMMITTEE

DRAFT MINUTES OF THE STANDARDS DISPENSATION SUB-COMMITTEE MEETING HELD ON 11 JANUARY 2011 AT COMMITTEE ROOM III, COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE.

Present:

Cllr Ernie Clark, Mr Gerry Robson and Miss Pam Turner

Also Present:

Nina Wilton, Deputy Monitoring Officer

1. Declarations of Interest

There were no declarations of interest

2. Consideration of a dispensation request - Councillor Christine Mitchell, Westbury Town Council

The Deputy Monitoring Officer introduced the report and explained that Councillor Mitchell sits on the Highways, Planning and Development Committee (HP&D Committee) of Westbury Town Council and also on the Management Committee of Leigh Park Community Association (LPCA). Councillor Mitchell wished to apply for a dispensation allowing her to speak and vote on planning application 10/0378/FUL. Westbury Town Council is a statutory consultee and considerations of planning applications by Westbury Town Council are delegated to their HP & D Committee. There are 9 members of the Westbury HP & D Committee, of whom 5 are also members of the LPCA Management Committee. If all of these members are determined to have a personal and prejudicial interest in planning application 10/0378/FUL, precluding them from speaking or voting on this application, the HP & D Committee would be inquorate.

The Deputy Monitoring Officer said that she had sought background information from the Westbury Town Clerk. That information was that LPCA's purpose is to support the development of a community centre in Leigh Park, and that this planning application, if successful, may generate Section 106 monies that could be used to assist with funding that development.

The Deputy Monitoring Officer explained the law and guidance relevant to this request, and reminded the sub-committee of the public interest in maintaining public confidence in the conduct of local authority business. She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

The sub-committee considered this request in detail and agreed that Councillor Mitchell had a personal interest but were not persuaded that it amounted to a prejudicial interest.

They further considered that it was open to Westbury Town Council to refer this application to a full meeting of Westbury Town Council for consideration, so the failure to grant a dispensation would not have a significant adverse impact upon the conduct of the council's business.

Resolved:

Not to grant a dispensation as the sub-committee found no evidence that it was in the public interest to do so.

3. Consideration of a dispensation request - Councillor Sue Ezra, Westbury Town Council

The Deputy Monitoring Officer introduced the report and explained that Councillor Ezra sits on the Highways, Planning and Development Committee (HP&D Committee) of Westbury Town Council and also on the Management Committee of Leigh Park Community Association (LPCA). Councillor Ezra wished to apply for a dispensation allowing her to speak and vote on planning application 10/0378/FUL. Westbury Town Council is a statutory consultee and considerations of planning applications by Westbury Town Council are delegated to their HP & D Committee. There are 9 members of the Westbury HP & D Committee, of whom 5 are also members of the LPCA Management Committee. If all of these members are determined to have a personal and prejudicial interest in planning application 10/0378/FUL, precluding them from speaking or voting on this application, the HP & D Committee would be inquorate.

The Deputy Monitoring Officer said that she had sought background information from the Westbury Town Clerk. That information was that LPCA's purpose is to support the development of a community centre in Leigh Park, and that this planning application, if successful, may generate Section 106 monies that could be used to assist with funding that development.

The Deputy Monitoring Officer explained the law and guidance relevant to this request, and reminded the sub-committee of the public interest in maintaining public confidence in the conduct of local authority business. She reminded the

Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

The sub-committee considered this request in detail and agreed that Councillor Ezra had a personal interest but were not persuaded that it amounted to a prejudicial interest.

They further considered that it was open to Westbury Town Council to refer this application to a full meeting of Westbury Town Council for consideration, so the failure to grant a dispensation would not have a significant adverse impact upon the conduct of the council's business.

Resolved:

Not to grant a dispensation as the sub-committee found no evidence that it was in the public interest to do so.

4. Consideration of a dispensation request - Councillor William Braid, Westbury Town Council

The Deputy Monitoring Officer introduced the report and explained that Councillor Braid sits on the Highways, Planning and Development Committee (HP&D Committee) of Westbury Town Council and also on the Management Committee of Leigh Park Community Association (LPCA). Councillor Braid wished to apply for a dispensation allowing him to speak and vote on planning application 10/0378/FUL. Westbury Town Council is a statutory consultee and considerations of planning applications by Westbury Town Council are delegated to their HP & D Committee. There are 9 members of the Westbury HP & D Committee, of whom 5 are also members of the LPCA Management Committee. If all of these members are determined to have a personal and prejudicial interest in planning application 10/0378/FUL, precluding them from speaking or voting on this application, the HP & D Committee would be inquorate.

The Deputy Monitoring Officer said that she had sought background information from the Westbury Town Clerk. That information was that LPCA's purpose is to support the development of a community centre in Leigh Park, and that this planning application, if successful, may generate Section 106 monies that could be used to assist with funding that development.

The Deputy Monitoring Officer explained the law and guidance relevant to this request, and reminded the sub-committee of the public interest in maintaining public confidence in the conduct of local authority business. She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

The sub-committee considered this request in detail and agreed that Councillor Braid had a personal interest but were not persuaded that it amounted to a prejudicial interest.

They further considered that it was open to Westbury Town Council to refer this application to a full meeting of Westbury Town Council for consideration, so the failure to grant a dispensation would not have a significant adverse impact upon the conduct of the council's business.

Resolved:

Not to grant a dispensation as the sub-committee found no evidence that it was in the public interest to do so.

5. Consideration of a dispensation request - Councillor David Windess, Westbury Town Council

The Deputy Monitoring Officer introduced the report and explained that Councillor Windess sits on the Highways, Planning and Development Committee (HP&D Committee) of Westbury Town Council and also on the Management Committee of Leigh Park Community Association (LPCA). Councillor Windess wished to apply for a dispensation allowing him to speak and vote on planning application 10/0378/FUL. Westbury Town Council is a statutory consultee and considerations of planning applications by Westbury Town Council are delegated to their HP & D Committee. There are 9 members of the Westbury HP & D Committee, of whom 5 are also members of the LPCA Management Committee. If all of these members are determined to have a personal and prejudicial interest in planning application 10/0378/FUL, precluding them from speaking or voting on this application, the HP & D Committee would be inquorate.

The Deputy Monitoring Officer said that she had sought background information from the Westbury Town Clerk. That information was that LPCA's purpose is to support the development of a community centre in Leigh Park, and that this planning application, if successful, may generate Section 106 monies that could be used to assist with funding that development.

The Deputy Monitoring Officer explained the law and guidance relevant to this request, and reminded the sub-committee of the public interest in maintaining public confidence in the conduct of local authority business. She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

The sub-committee considered this request in detail and agreed that Councillor Windess had a personal interest but were not persuaded that it amounted to a prejudicial interest.

They further considered that it was open to Westbury Town Council to refer this application to a full meeting of Westbury Town Council for consideration, so the failure to grant a dispensation would not have a significant adverse impact upon the conduct of the council's business.

Resolved:

Not to grant a dispensation as the sub-committee found no evidence that it was in the public interest to do so.

6. Consideration of a dispensation request - Councillor Russell Hawker, Westbury Town Council

The Deputy Monitoring Officer introduced the report and explained that Councillor Hawker sits on the Highways, Planning and Development Committee (HP&D Committee) of Westbury Town Council and also on the Management Committee of Leigh Park Community Association (LPCA). Councillor Hawker wished to apply for a dispensation allowing him to speak and vote on planning application 10/0378/FUL. Westbury Town Council is a statutory consultee and considerations of planning applications by Westbury Town Council are delegated to their HP & D Committee. There are 9 members of the Westbury HP & D Committee, of whom 5 are also members of the LPCA Management Committee. If all of these members are determined to have a personal and prejudicial interest in planning application 10/0378/FUL, precluding them from speaking or voting on this application, the HP & D Committee would be inquorate.

The Deputy Monitoring Officer said that she had sought background information from the Westbury Town Clerk. That information was that LPCA's purpose is to support the development of a community centre in Leigh Park, and that this planning application, if successful, may generate Section 106 monies that could be used to assist with funding that development.

The Deputy Monitoring Officer explained the law and guidance relevant to this request, and reminded the sub-committee of the public interest in maintaining public confidence in the conduct of local authority business. She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

The sub-committee considered this request in detail and agreed that Councillor Hawker had a personal interest but were not persuaded that it amounted to a prejudicial interest.

They further considered that it was open to Westbury Town Council to refer this application to a full meeting of Westbury Town Council for consideration, so the failure to grant a dispensation would not have a significant adverse impact upon the conduct of the council's business.

Resolved:

Not to grant a dispensation as the sub-committee found no evidence that it was in the public interest to do so.

(Duration of meeting: 2.45pm – 3.25pm)

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

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

WILTSHIRE COUNCIL

STANDARDS COMMITTEE

9 March 2011

REVIEW OF THE STANDARDS COMMITTEE PLAN 2010 - 2014

Purpose of Report

1. To update the Committee on developments in respect of the priorities in the Standards Committee's Plan since the last review in September 2010.

Background

2. In May 2010 the Committee approved a plan for its work which included its top priorities for 2010 and other areas for action. The Committee agreed to review the plan twice a year in September and March.
3. Since the plan was agreed the Government has proposed significant changes to the standards regime in the Localism Bill, published in December. The plan has been reviewed in the light of these changes.

Main Considerations for the Council

4. A copy of the plan with comments updating members of the Committee on the agreed priorities is attached as Appendix 1.
5. Key points to note are taken from the chairman's overview and are set out below for convenience.
6. Following the publication of the Localism Bill in December 2010 the Standards Committee received a report in January on its implications for the standards regime. The Committee has asked the Constitution Focus Group to consider the proposals in the Bill and to report back with its views on these and the adoption of voluntary standards arrangements for Wiltshire Council. This work will continue to be developed as the Bill proceeds through Parliament towards Royal Assent, which is anticipated in Autumn of this year.
7. The Localism Bill contains transitional measures to facilitate the move from the current regime to the new voluntary arrangements. Whilst details are yet to be provided in regulations it seems clear that the Committee will continue to be responsible for dealing with complaints under the Code of Conduct well into 2012. The actual end date will depend on how many cases remain to be determined after the appointed day, which we anticipate will be fixed between January and April 2012. In the meantime it will remain the Committee's priority to ensure that its statutory responsibilities are discharged efficiently and effectively.

8. Town and Parish Councils have been advised that support and training will continue to be available pending any change in the legislation. This includes advice and support on the changes proposed for these councils in the Localism Bill.
9. The Committee recognises the importance of dealing with complaints in a timely and efficient way. To this end the Committee is actively monitoring progress of cases against the agreed targets. Local assessment sub-committees continue to gain experience in assessing complaints as a consequence of which less complaints are being referred for investigation. The proportion of cases referred for investigation this year is now significantly below the national average. Following the review of process by the Committee in September 2010, steps have been taken as agreed to streamline cases within the requirements of the statutory framework. In particular, retention of the same members for the Consideration and Hearing Sub-Committees has been a positive improvement.
10. The review of the Constitution was completed successfully in November 2010 when the Council agreed the changes recommended by the Standards Committee. These came into effect on 1 December 2010. The Constitution Focus Group, which has been a very effective forum for the review work, is being retained to consider any changes that become necessary as a result of new legislation, including the Localism Bill.
11. The Standards Committee has confirmed its commitment to supporting the Council in the development of its culture change programme. The Council's culture plan is summarised on pages 40-42 of its Business Plan 2011-2015, which was adopted by the Council on 22 February 2011. The relevant extract is attached at Appendix 2.
12. We will be meeting with the Leader and the Chief Executive to discuss how the Standards Committee can support the Council in promoting the new culture.
13. The plan will be reviewed in September 2011, by which time the Localism Bill should be nearing completion of its passage through Parliament.

Environmental Impact

14. None.

Equalities Impact

15. The plan is consistent with the Council's Equality and Diversity Policy.

Financial Implications

16. None arising directly from this report.

Legal Implications

17. Implementation of the plan enables the Committee to discharge its statutory responsibilities more effectively.

Proposal

18. The Committee is asked to note the developments in respect of the priorities in the Plan since the last review in September 2010.

Ian Gibbons
Monitoring Officer

Report Author: Ian Gibbons

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

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Wiltshire Council's Vision is to create stronger and more resilient communities, underpinned by 3 key goals:

1. **Deliver high quality, low cost, customer focused services.**
2. **Ensure local, open, honest decision-making.**
3. **Working together to support Wiltshire's communities**

Wiltshire Council Standards Committee Vision is to raise public trust and confidence in local democracy by promoting consistently high standards of conduct throughout local government in Wiltshire

Top Priorities for Action 2010

Standards Committee Goals	Standards Committee Output	Targets	Owner Responsibility	Comments
Promote the ethical well-being of Wiltshire Council by embedding standards further within the Council	Work collaboratively with Cabinet, Overview and Scrutiny Select Committees and the Audit Committee in improving the Council's governance arrangements; develop working protocol for inclusion in the Constitution.	Protocol to be completed for inclusion in Constitution in July 2010.	Ian Gibbons / Chair	Protocol setting out governance reporting arrangements between Cabinet, Overview and Scrutiny, Standards and Audit Committees was approved by Council on 9 November 2010 and is now included in the Constitution..
And	Undertake review of the effectiveness of the Constitution as requested by Council.	Complete by 30 September 2010.	Ian Gibbons / Chair	The Council approved the Standards Committee's recommended changes to the Constitution on 9 November 2010 and these came into effect on 1 December 2010. The Constitution Focus Group has been retained to assist on an ongoing basis with any changes that become necessary as a result of the Localism Bill or other new legislation.
Promote standards in partnerships				

	<p>Provide training on the Code of Conduct; monitor take-up and effectiveness of training.</p>	<p>Code of Conduct to be included in the induction process of Officers and Councillors Provide E Training Package by July 2010 100% of Wiltshire Councillors undertaken training on code</p>	<p>Nina Wilton / Vice Chair</p>	<p>No further group training events are planned for Wiltshire Councillors on the Members' Code of Conduct in the light of the proposed changes in the Localism Bill. Advice and support will continue to be given to individual councillors as required and as part of the induction process for new councillors.</p> <p>New Code of Conduct for Officers approved by Council in November and now forms part of Constitution. This will be included in induction arrangements. It also forms part of officers' terms and conditions of employment. All new starters are sent a copy with their offer of employment and required to sign to acknowledge receipt and understanding of the Code. HR now has a facility to generate reports demonstrating where disciplinary investigations arise from a breach of the Code of Conduct and will provide statistics to Head of Governance on a quarterly basis when SAP configuration of this facility has been completed (Summer 2011). This will enable evidence based targeted Code of Conduct training for officers should the evidence show that this is required.</p>
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				With HR advice, we will explore viability of Code of Conduct awareness being linked to appraisal reports.
Work with Parish, Town and City Councils to support them in their application of the local standards framework	Develop training package for Town, Parish and City(T,P&C) Councils in conjunction with WALC; finalise and implement programme for delivery of training; monitor the take-up and effectiveness of training.	Agree content / schedule by 31 July 2010? Begin implementation by 1 September 2010 Monitor effectiveness from 1 November 2010? ? % of T,P&C councils offered training by 1 April 2011	Nina Wilton / Vice Chair	New training package designed to include reference to proposed changes in Localism Bill. Requires regular review to keep abreast of developments in statutory position. Date for first delivery to PCs fixed for April 2011.
	Standards Committee visible presence at meetings of Area Boards.	Standards Committee briefing to all Area Boards by October 2011.	Ian Gibbons / Chair	Briefing note on the implications of the Localism Bill on the current standards regime being provided to Area Boards by way of chairman's announcement, as agreed by the Standards Committee at its last meeting.
Inform and engage the public on standards in local government	Produce leaflet on making a complaint and the local assessment process for distribution throughout Wiltshire.	28 February 2010	Done	Work completed. No further action required.
	Ensure that the Standards Content on the Wiltshire Council Website is easily accessible	30 September 2010	Nina Wilton / Mr. Craig McCallum	Marie Lindsay, Anna Browne and Mr Craig McCallum have developed and refreshed content. Delays resulting from capacity issues with web team Will be posted on web site by June 2011

Chair's overview and summary of identified key trends.

- 1. Following the publication of the Localism Bill in December 2010 the Standards Committee received a report in January on its implications for the standards regime. The Committee has asked the Constitution Focus Group to consider the proposals in the Bill and to report back with its views on these and the adoption of voluntary standards arrangements for Wiltshire Council. This work will continue to be developed as the Bill proceeds through Parliament towards Royal Assent, which is anticipated in Autumn of this year.**
- 2. The Localism Bill contains transitional measures to facilitate the move from the current regime to the new voluntary arrangements. Whilst details are yet to be provided in regulations it seems clear that the Committee will continue to be responsible for dealing with complaints under the Code of Conduct well into 2012. The actual end date will depend on how many cases remain to be determined after the appointed day, which we anticipate will be fixed between January and April 2012. In the meantime it will remain the Committee's priority to ensure that its statutory responsibilities are discharged efficiently and effectively.**
- 2. Town and Parish Councils have been advised that support and training will continue to be available pending any change in the legislation. This includes advice and support on the changes proposed for these councils in the Localism Bill.**
- 3. The Committee recognises the importance of dealing with complaints in a timely and efficient way. To this end the Committee is actively monitoring progress of cases against the agreed targets. Local assessment sub-committees continue to gain experience in assessing complaints as a consequence of which less complaints are being referred for investigation. The proportion of cases referred for investigation this year is now significantly below the national average. Following the review of process by the Committee in September 2010, steps have been taken as agreed to streamline cases within the requirements of the statutory framework. In particular, retention of the same members for the Consideration and Hearing Sub-Committees has been a positive improvement.**
- 4. The review of the Constitution was completed successfully in November 2010 when the Council agreed the changes recommended by the Standards Committee. These came into effect on 1 December 2010. The Constitution Focus Group, which has been a very effective forum for the review work, is being retained to consider any changes that become necessary as a result of new legislation, including the Localism Bill.**
- 5. The Standards Committee has confirmed its commitment to supporting the Council in the development of its culture change programme. The Council's culture plan is summarised on pages 40-42 of its Business Plan 2011-2015, which was adopted by the Council on 22 February 2011. We will be meeting with the Leader and the Chief Executive to discuss how the Standards Committee can support the Council in promoting the new culture.**

<i>Other Areas for Action</i>												
Standard Committee Goals	Standard Committee Output	Targets	Owner Responsibility	Comments								
Apply the local standards framework in a fair, efficient and proportionate manner	Review approach to local assessment to bring decisions more in line with national average of complaints referred for investigation; arrange workshop on local assessment.	Local Assessment Workshop held on 3 February 2010. Review quarterly	Ian Gibbons / Chair	Proportion of cases referred for investigation as follows; <table border="0"> <tr> <td>2009</td> <td>41%</td> </tr> <tr> <td>2010</td> <td>12%</td> </tr> <tr> <td>2011 to date</td> <td>0%</td> </tr> <tr> <td>Overall since April 2009</td> <td>27%</td> </tr> </table> <p>The national average reported in Standards for England's annual report for 2008-09 was 53%. This demonstrates that a more robust approach is being taken by WC Standards Committee at assessment stage on whether a complaint should be referred for investigation.</p>	2009	41%	2010	12%	2011 to date	0%	Overall since April 2009	27%
	2009	41%										
2010	12%											
2011 to date	0%											
Overall since April 2009	27%											
Consider outcome of Standards for England's review on proportionality in local standards framework; review proportionality in the operation of the Council's own procedures including the use of mediation and informal resolution of complaints.	Report on review to meeting on 22 September 2010	Ian Gibbons / Chair	Recommendations for streamlining process agreed by Standards Committee at meeting on 22 September 2010 and have been implemented.									

	<p>Review timescales for completing each stage of the local assessment process.</p> <p>Implement new Code of Conduct with training for all councillors.</p>	<p>Completed. Initial assessment within 20 working days of receipt of complaint. Review decision within 20 working days of request for review. All investigations to be completed within 6 months of complaint reaching the Assessment Sub-Committee's (or if appropriate the Review Sub-Committee's) Decision. Subsequent Standards Committee hearings to be completed within 12 weeks of receipt of Investigator's Report.</p> <p>Await Government's proposals.</p>	Ian Gibbons / Chair	<p>Completed. Target timescales agreed with progress monitored by Standards Committee at each meeting using 'traffic light' system.</p> <p>Superseded by Localism Bill.</p>
<p>Promote the ethical well-being of Wiltshire Council by embedding standards further within the Council</p>	<p>Support the Council in moving to a single culture by promoting agreed values.</p>	<p>To be developed in consultation with the Chief Executive and Cllr Laura Mayes, Wiltshire Council's Portfolio holder for Culture Change</p>	Ian Gibbons / Chair	<p>The Council's Business Plan 2011-2015 summarises its culture plan (at pages 40-42). Core values have been developed and agreed:</p> <ul style="list-style-type: none"> - placing our customers first - strengthening our communities - adopting a 'can-do' approach in everything we do. <p>The Monitoring Officer and Chairman of the Standards Committee will meet with the Leader and Chief Executive to discuss how the Committee can support the Council in promoting its culture.</p>

<p style="text-align: center;">And Promote standards in partnerships</p>	<p>Increase the Committee’s visibility by attendance at meetings of Council, Cabinet, Committees and Area Boards.</p>	<p>Chairman or Vice Chairman to attend Council Meetings (6 per year) Chairman or Vice Chairman to attend 50% of Cabinet Meetings Standards Committee representation at all Area Boards at least once a year</p>	<p>Chair</p>	<p>Chairman and Vice Chairman attending meetings of Cabinet and Council. Members encouraged to attend especially where business is directly relevant to Standards Committee.</p>
	<p>Arrange regular meetings between the Chairman of the Standards Committee, Monitoring Officer, Leader and Chief Executive to maintain contact and exchange areas of development and opportunities.</p>	<p>Quarterly.</p>	<p>Ian Gibbons / Chair</p>	<p>Further meetings to be arranged.</p>
	<p>Oversight of the Council’s complaints handling to ensure that complaints are dealt with efficiently and lead to improvements in services to the public.</p>	<p>Annual statistical return to be considered by the Committee.</p>	<p>Nina Wilton / Chair</p>	<p>Dependent on the development of a complaints tracking system. Complaints organisational structure to be reviewed.</p>
<p>Review partnership governance arrangements; incorporate agreed values and standards of behaviour in partnership documentation</p>	<p>Timetable for review to be agreed.</p>	<p>Ian Gibbons / Chair</p>	<p>The existing Partnership Protocol and Register has been reviewed and updated to ensure that all partnerships across Wiltshire Council are captured. The revised protocol will ensure that partnerships are underpinned by good governance and to complement the protocol a new electronic database and</p>	

				<p>supporting guidance have been developed and implemented.</p> <p>Work plan for incorporating agreed values and standards of behaviour in partnership documentation is to be agreed.</p>
<p>Work with Parish, Town and City Councils to support them in their application of the local standards framework</p>	<p>Communicate regularly with Town, Parish and City Councils on standards issues e.g. through Parish newsletter</p>	<p>Articles in Parish newsletters as required. Provide annual digest of code of conduct cases</p>	<p>Nina Wilton / Chair</p>	<p>We will continue to use existing channels of communication to support town and parish councils under the current regime and with the changes proposed in the Localism Bill. The Constitution Focus Group has recommended a training event for town and parish councils on the changes in the Localism Bill that will affect them generally to be arranged when the details are clear.</p>

Appendix 2

Extract from Wiltshire Council's Business Plan (pages 40-42)

Culture - our approach

What we are already doing

Our role is changing - public services will be delivered in a totally different way, and we must change our attitude and working practices to respond to this.

Our role will be to make things happen. Therefore, we need to adopt a new and different approach in everything that we do. We will have to work more efficiently and better to give our customers a great service, despite budget cuts.

We are still relatively new. Following the amalgamation of five former councils we inherited several different cultures and, as such, have still to develop and embed a culture and way of doing things that defines the new council. As a new organisation we have a real opportunity to develop a culture that reflects a new, modern and customer focused organisation.

Working with staff and councillors through a series of forums, a set of core values that will underpin our work and, represent what we stand for, have been developed and agreed:

- Placing our customers first
- Strengthening our communities
- Adopting a 'can-do' approach in everything we do.

Staff feedback at the forums has also helped to shape an action plan that focuses on: communication – recognition – leadership – behaviour.

Communication – looks at improving the intranet and contact directory – the who's who in the organisation, as well as agreeing standards for future communication and leadership of communication across the organisation. The new contact directory will be launched shortly.

Recognition – we launched the Corporate Awards Scheme (CAS) and held the first awards ceremony in October 2010. The 2011 awards have been launched and include monthly awards for team and employee of the month. Recognition of the team and employee of the month will be well publicised.

Leadership – whilst we have still to agree corporate standards for communication, there are areas of excellent communication practice across the organisation, such as the department of resources away-days, staff forums, team briefings and regular one-to-one meetings.

We also held a series of face-to-face forums in November and December 2010 to update staff on the challenges facing the council over the next four years. The leader and chief executive met more than 3,000 members of staff and invited questions and discussion about the future.

Regular news updates are published on the intranet to update staff and members of council news and the changes that the organisation is facing – often directly from the chief executive as an update or video blog.

New members of staff meet the chief executive and leader at their induction and have the opportunity to ask questions and understand the culture that they promote.

What we intend to do

We need to promote our culture – the values that underpin what we do, our brand and what we stand for, what we're like and how we do things. Our values make us unique - a modern organisation that embraces change. An organisation that:

- places its customers first
- strengthens its communities
- adopts a 'can-do' approach in everything it does.

We want to be an organisation that reflects a strong service mentality, which thinks about the whole experience for our customers and how we can make it good one. We want to adopt a consistent 'can-do' approach and make things happen.

Re-organising and transforming our services will focus on our customers' experience and how we can make this better. Our aim is to develop a culture where we go the extra mile to help our customers and make Wiltshire Council one of the best in the country.

Our culture plan sets out how we will:

- embed the council's values and what we stand for – our brand Wiltshire
- adopt a 'can-do' approach in everything that we do
- deliver a leadership development programme that promotes key competencies and behaviours that reflect our culture
- promote team work and collective responsibility and accountability
- develop entrepreneurs and empower staff to take risks to reflect an innovative dynamic organisation
- place our customers and communities first and increase their confidence, trust and satisfaction levels in the council
- involve our customers and communities in shaping services and the future direction
- increase staff satisfaction and confidence in the council and the services it provides – the staff survey will provide a bench mark on current satisfaction and areas relating to culture
- increase staff involvement in decision making and change in the council and the services in which they work
- ensure that staff and elected members are well informed and are ambassadors for the council
- ensure that communication underpins the way we do things
- recognise success: celebrate and value our staff members, councillors and other community leaders.

What we want to achieve

We need to create a sense of pride in the council, which will, in turn, increase morale, satisfaction and motivation. This will be reflected in the way we do things and how we talk to one another and to our customers and stakeholders.

We want to be an organisation that works corporately and openly, engaging its staff, elected members, customers and communities in its work, decision making and any changes that need to happen.

Embedding a culture takes time, focus, energy and the belief and drive of all our leaders and managers to make it happen and underpin everything we do.

Our behaviour reflects what we stand for and how we do things. How we behave will make or break our relationship with our customers and communities. How they see us is our reputation, and this is a key driver for us. We know we have to adopt a new and positive culture that reflects a modern, innovative and different council.

Our success over the next few years will be largely dependent on how we do things; how we embrace change and the relationships and trust that we build. A true 'can-do' approach needs to emanate throughout the council and all its services and customers and communities will come first.

Wiltshire Council
Standards Committee
Annual Report 2010/11

DRAFT

Foreword by the chairman

Once again I am delighted to present the Wiltshire Council Standards Committee Report for 2010/2011. It explains who sits on the committee, what it does, its achievements over the last year and the issues it will face in the future. I am reassured that Wiltshire Council take seriously the need for good governance and high standards of behaviour and am confident this will continue to be the case in the future.

It has been a busy year for the Standards Committee and the officers who provide it with excellent support. The main areas of work have been:

- Handling complaints arising from the Wiltshire Council Code of Conduct
- Reviewing and refining the local assessment processes to ensure they are efficient and fair
- Reviewing the Wiltshire Council Constitution in conjunction with elected members
- Reviewing the process for granting dispensations
- Understanding the Localism Bill and identifying what lessons can be learnt from the current standards regime to inform any voluntary scheme that Wiltshire Council may wish to adopt
- Supporting and advising Town and Parish Councils on governance issues including the Localism Bill

Discussion at all our meetings has been open and constructive and I welcome any members of the public who wish to attend and contribute to our discussions. I would like to thank my fellow members and our officers for their hard work and valuable contributions both in committee and at the many other times when they support the committee's work. We have made good progress which will be beneficial in the work we need to do over the coming year.

I am delighted that the Wiltshire Council Standards Committee has continued to play an important role in the effective running of the Council over the last year. High standards of conduct are important in raising public trust in local democracy and the Standards Committee has the experience and knowledge to support the Council in developing an effective system to ensure these high standards continue to be maintained once the mandatory regime is abolished.

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, Stuart Middleton and Gerry Robson OBE, 2 vacancies

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

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 (figures in brackets are for 2009/10):

Standards committee*	6 (5)
Assessment sub-committee	13 (12)
Review sub-committee	4 (3)
Consideration sub-committee	6 (3)
Hearing*	7 (2)
Dispensation sub-committee*	10 (3)

Meetings marked * are usually public meetings. Agenda, papers and minutes are on the Wiltshire Council web site (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 2010/11

Number of complaints received

Of the complaints received, 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	
No investigation	

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

Reasons for no assessment	Numbers
Case closed as sufficient details not provided	
Not a code of conduct complaint	
Complaint withdrawn	
Yet to be assessed	

DRAFT

The work of the Wiltshire Council Standards Committee April 2010 – March 2011

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 were pleased to note that the number of complaints going forward to investigate was fewer than the previous year and that this had been achieved by more rigorous assessments.

Determining applications for dispensations

In the light of a year's experience members reviewed the 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 for grant or transfer of community assets.

It was agreed 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.

Review of Wiltshire Council's Constitution

Local Standards Framework

The committee considered 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. It was agreed that resolution at the pre-complaint stage and the merits of 'other action' at the assessment and review stages should be considered on their merits and that the same members should be appointed to the consideration and hearing sub-committees. Also it reviewed the time taken to complete the various stages of local assessment and set target timelines for officers.

Arrangements for Mediation

The committee considered the use of mediation as a means of preventing or resolving complaints under the Code of Conduct and the consensus was that mediation was a useful alternative for investigation in some cases and that its use should be pursued.

Wiltshire Council Standards Committee Plan 2010/14

The committee has continued to review its plan to ensure that it remained effective and was making the best use of its resources. This included reviewing the local standards framework processes and the Wiltshire Council Constitution as already described above as well as promoting ethical wellbeing of Wiltshire Council by engaging with its Cultural Change Programme, publicising the local assessment procedure through distributing the leaflet developed last year and engaging with town and parish councils to help them to improve their governance.

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 had dropped by 29% since the publication of the last report, although the response times were still slightly above the target time.

Localism Bill - Proposed Changes to the Standards Regime

The committee considered a report on the implications of the Localism Bill and in particular the future of the Standards regime. It was agreed to hold a workshop to develop some suggestions on the way forward for Wiltshire Council should the proposals in the Bill be adopted.

Reports

The committee also considered the following reports:

- **The Annual Audit 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 the report.
- **Annual Governance Statement**
The committee noted that ethical governance issues were adequately addressed in the document.

Issues for 2011/12

The committee will continue to implement the local assessment processes in a fair, efficient and proportionate manner until no longer required to do so under the Localism Bill as well as complete its other core functions including:

- consider the local government Ombudsman's annual report
- consider the annual audit letter regarding ethical governance issues
- provide views on the council's annual governance statement prior to adoption by the audit committee
- review the effectiveness of the council's whistle-blowing policy

- ensure members' compliance with the code of conduct in respect of the completion of the register of members' interests and gifts and hospitality forms.
- continue to review its committee plan every six months.

In addition it has asked the Constitution Focus Group to consider the proposals in the Localism Bill and report back with its views on these and the adoption of a voluntary standards regime for Wiltshire Council. The Standards Committee will consider these proposals and make recommendations to Wiltshire Council on both the voluntary standards regime and how the other core tasks of the Standards Committee should be undertaken once there is no mandatory requirement for the Council to have a Standards Committee.

The Committee will continue to ensure support and training is provided to Town and Parish Councils on both effective governance and advice and support on the changes proposed for these councils in the Localism Bill.

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
Nina Wilton Tel: 01225 713078 Email: 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>

You can also contact us by writing to: The Standards Committee, c/o the Monitoring Officer, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN

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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	Appeals received
April	12	12	8 & 1*	1	2**	0	0
May	2	14	0	1	1***	0	0
June	13	25	4	0	7** & 2***	2	0
July	3	26	1	0	2**	2	0
August	1	13	0	1	0	14	0
September	1	14	0	1	0	0	0
October	5	18	2	3	0	1	0
November	7	24	2	3	2****	1	0
December	0	23	0	0	0	1	1 (overturned)
Month 2010							
January	0	18	0	0	0	5	2 (upheld)
February	1	16	0	1	0	3	0
March	3	19	0	3	0	0	0
April	4	19	0	4	0	4	1 (upheld)
May	3	19	2	1	0	3	1 (upheld)
June	0	14	0	0	0	5	0
July	6	19	1	5	0	1	0
August	3	22	1 (referred to SfE)	1	1****	0	0
September	5	21	0	4	1**	6	4 (upheld)
October	1	17	0	1	0	5	1 (upheld)
November	7	20	0	7	0	4	0
December	0	18	0	0	0	2	0
Totals	77	n/a	22	37	18	59	10

* 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

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)
2010				
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)

Standards Committee 9 March 2011

2010	Number of hearings	Date(s) and type(s) of hearing	Outcome	Appeal (Y/N)
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
May	10	11/05/10 – 5 x Assessment Sub-Committee 13/05/10 – 1 x Determination Sub-Committee 25/05/10 – 3 x Assessment Sub-Committee 25/05/10 – 1 x Review Sub-Committee	2 no further action, 1 referral to MO and 2 referrals to SfE * Failure to comply – sanction: training 2 investigations & 1 no further action Decision upheld	Yes (1)
June	1	17/06/10 – 1 x Review Sub-Committee	Decision upheld	n/a
July	4	05/07/10 – 1 x Determination Sub-Committee 27/07/10 - 3 x Consideration Sub-Committee	Failure to comply – no further action 3 referrals to Determination Sub-Committee	n/a
August	6	19/08/10 - 6 x Assessment Sub-Committee	1 investigation & 5 no further action	Yes (4)
September	7	07/09/10 – 1 x Assessment Sub-Committee 07/09/10 – 1 x Consideration Sub-Committee 28/09/10 – 1 x Assessment Sub-Committee 29/09/10 – 4 x Review Sub-Committee	1 x no further action 1 x no failure to comply 1 x investigation - referred to SfE * 4 x no further action	Yes (1)
October	7	06/10/10 – 2 x Determination Sub-Committee 14/10/10 - 1 x Determination Sub-Committee 21/10/10 – 4 x Assessment Sub-Committee	2 x no failure to comply 1 x 1 no failure to comply & 1 failure to comply – sanction: training 4 x no further action	Yes (1)
November	3	16/11/10 – 3 x Assessment Sub-Committee	3 x no further action	Yes (2)
December	5	07/12/10 - 2 x Assessment Sub-Committee 07/12/10 – 1 x Review Sub-Committee 14/12/10 – 2 x Consideration Sub-Committee	2 x no further action Decision upheld 1 x referral to Determination Sub-Committee 1 x no failure to comply - closed	

* SfE decisions – no further action

2011	Number of hearings	Date(s) and type(s) of hearing	Outcome	Appeal (Y/N)
2011				
January	9	11/01/11 - 3 x Assessment Sub-Committee 11/01/11 – 1 x Consideration Sub-Committee 27/01/11 – 2 x Assessment Sub-Committee 27/01/11 - 3 x Consideration Sub-Committee	3 x no further action 1 x referral to Determination Sub-Committee 2 x no further action 3 x referral to Determination Sub-Committee	
February	3	08/02/11 – 1 x Assessment Sub-Committee 24/02/11 – 1 x Consideration Sub-Committee 24/02/11 – 1 x Assessment Sub-Committee	1 x no further action Unknown at date of report Unknown at date of report	Yes

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 – failure to comply (sanction – training) - closed	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	Determination Sub-Committee 6 October 2010 – no failure to comply - closed	N/A
WC 19/09	13/05/09	Determination Sub-Committee 6 October 2010 - no failure to comply - closed	N/A
WC 20/09	23/06/09	Determination Sub-Committee 17 March 2011	N/A
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	Determination Sub-Committee – April 2011	N/A
WC 31/09	07/07/09	Determination Sub-Committee – April 2011	N/A
WC 32/09	07/07/09	Determination Sub-Committee – April 2011	N/A
WC 33/09	07/07/09	Determination Sub-Committee 14 October 2010 – 1 no failure to comply & 1 failure to comply (sanction – training) - closed	N/A
WC 38/09	19/11/09	Determination Sub-Committee 5 July 2010 – failure to comply (no further action) closed	N/A
WC 43/09	02/12/09	Draft report being finalised	March 2011
WC 45/09	02/12/09	Draft report being finalised	March 2011
WC 42/09	03/02/10 (Review Sub-Ctte)	Consideration Sub-Committee 7 September 2010 – no failure to comply - closed	N/A
WC 09/10	25/05/10	Consideration Sub-Committee 14 December 2010 – no failure to comply - closed	N/A
WC 10/10	25/05/10	Determination Sub-Committee 30 March 2011	N/A
WC 12/10	19/08/10	Consideration Sub-Committee 24 February 2011	N/A

Breakdown of Code of Conduct Complaints

Number of complaints received	2009	2010
Parish	20	15
Town	12	4
Unitary	12	14

Paragraph of Code	Number of times cited 2009	Number of times cited 2010
3(1) – you must treat others with respect	20	14
3(2)(a) – you must not do anything which may cause your authority to breach any of the equality enactments	6	4
3(2)(b) - You must not bully any person	12	8
3(2)(c) – you must not intimidate any person who is or is likely to be a complainant	6	1
3(2)(d) – you must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority	2	3
4(a) – you must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonable to be aware, is of a confidential nature	3	1
4(b) – you must not prevent another person from gaining access to information to which that person is entitled by law	0	2
5 – you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute	15	14
6(a) – you must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage	8	8
6(b)(i) – You must, when using or authorising the use by others of the resources of your authority, act in accordance with your authority’s reasonable requirements	3	0
6(b)(ii) – you must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes)	2	0
6(c) – you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a)	2	0
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.	4	8
10 – 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.	7	0

Paragraph of Code	Number of times cited 2009	Number of times cited 2010
12 (1) – subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority you must withdraw from the chamber where a meeting considering the business is being held	2	0
12(1)(c) – subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority you must not seek to improperly influence a decision about that business	3	0
13 (1)(b) – subject to paragraph 14, you must, within 28 days of your election or appointment to office (where that is later), register in your authority’s register of members’ interests details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority’s monitoring officer.	1	1

WILTSHIRE COUNCIL STANDARDS COMMITTEE

9 MARCH 2011

Outcome of Standards Consideration Sub-Committee

Purpose of Report

1. To report the outcome of the Standards Consideration Sub-Committee which was held on 14 December 2010 to consider an allegation of a breach of the Code of Conduct for Members.

Background

2. On 5 May 2010 the Monitoring Officer of Wiltshire Council received a complaint from Mr David Durston regarding the alleged conduct of Councillor Christopher McGowan, a member of Aldbourne Parish Council. It was alleged that Councillor McGowan had failed to disclose an interest in the piece of land on which the parish allotments are situated and, as Chairman of the allotments Committee, had endeavoured to prevent the rehabilitation of a section of land which adjoined his home. The complainant further alleged that Councillor McGowan's wife had recently acquired part of this land.
3. On 25 May 2010 the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor McGowan. In accordance with section 57A(2) of the Local Government Act 2000, as amended, the Sub-Committee decided to refer the complaint to the Monitoring Officer for investigation. They considered that if proven, the behaviour giving rise to the complaint may be capable of breaching the following paragraphs of the Code:

6(a) – You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

9(1) - Subject to sub-paragraphs (2) to (5), 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.

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.

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 no breach of the Code of Conduct.
5. On 14 December 2010 the Investigator's report went before the Standards Consideration Sub-Committee. The Sub-Committee considered the alleged breach of paragraphs 6(a), 9(1) and 10(1) of the Code of Conduct and accepted the Investigating Officer's finding of no breach. The decision notice is attached at **Appendix A**.
6. The Chairman and members of the Sub-Committee may wish to comment on the hearing orally at the meeting.

Main considerations for the Committee

7. 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 25 May 2010 and the final report was completed on 18 November 2010, within the 6 month deadline.
10. The Standards Committee has set a target time of 3 months from the issuing of the final report to a Determination Sub-Committee hearing. The Investigator issued her report on 18 November 2010 and the Consideration Sub-Committee met on 14 December 2010. A Determination Sub-Committee hearing was not required, however the Consideration Sub-Committee did meet well within the 3 month deadline.

Proposals

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

Training and Communications Issues Arising

12. 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.

Risks

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

Ian Gibbons
Monitoring Officer

Report Author: Marie Lindsay – Ethical Governance Officer

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

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DECISION NOTICE: NO BREACH

Reference WC 09/10

Subject Member

Councillor Christopher McGowan of Aldbourne Parish Council

Complainant

Mr David Durston

Consideration Sub-Committee Membership

Mr Stuart Middleton, Chairman (Independent)
Mr David MacLaren-Webster (Parish Councillor)
Councillor Julian Johnson (Wiltshire Council)

Monitoring Officer

Ian Gibbons

Investigating Officer

Marie Lindsay

Clerk

Anna Thurman

Complaint

On 5 May 2010 the Monitoring Officer of Wiltshire Council received a complaint from Mr David Durston regarding the alleged conduct of Christopher McGowan, a member of Aldbourne Parish Council.

The complaint concerned allegations that Councillor McGowan had failed to disclose an interest in a piece of land on which the parish allotments are situated and that, as Chairman of the Allotments Committee, he endeavoured to prevent the rehabilitation of a piece of this land which adjoins his home. It was further alleged that Councillor McGowan's wife recently purchased part of this land

On 25 May 2010, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor McGowan. 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. They considered that if proven, the behaviour giving rise to the complaint may be capable of breaching the following paragraphs of the Code:

6(a) – You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

9(1) - Subject to sub-paragraphs (2) to (5), 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.

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.

The Investigator's report found that there **had not** been a breach of paragraphs 6(a), 9(1) or 10 (1) of the Code of Conduct

Decision

The Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on 14 December 2010 and, having carefully considered the Investigating Officer's report and findings, in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008, decided to accept the Investigator's finding that no breach of the Code had occurred.

Reasons for decision

The Sub-Committee was satisfied on the basis of the information documented in the Investigator's report that Councillor McGowan's actions did not amount to a breach of the Code of Conduct.

Summary of evidence considered

The Sub-Committee considered the following:

1. The written complaint.
2. The Investigator's report, which contained evidence from witnesses who were interviewed and various documents, including extracts of minutes of meetings of the Parish Council.

This decision notice is sent to the person making the allegation, the member against whom the allegation was made, Aldbourne Parish Council and Standards for England.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed **Date**

Chair of Consideration Sub-Committee

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COMMITTEE'S WORK PLAN

<u>Meeting Date and Time</u>	<u>Name of Report</u>	<u>Scope of Report</u>
Wednesday 18 May 2011	Annual report on dispensations granted.	
	Annual report on dispensations granted.	
	Reappointment of Sub-Committees	
	Status Report on Complaints made under the Code of Conduct	
	Outcome of Standards Committee Hearings	
	Outcome of a Consideration Sub-Committee	
Wednesday 20 July 2011	Annual Governance Statement	
	Status Report on Complaints made under the Code of Conduct	
	Minutes of Sub-committees	

Wednesday 21 September 2011	Annual Report of the Local Government Ombudsman (tbc)	To consider the report and make recommendations as appropriate
	Status Report on Complaints made under the Code of Conduct	
	Minutes of Sub-committees	
	Review of the Standards Committee Plan 2010-2014	
	Department of Community Services Compliments and Complaints Annual Report 2010 - 2011	

Future meeting dates:

23 November 2011
11 January 2012
7 March 2012