

WILTSHIRE COUNCIL

STANDARDS COMMITTEE

24 November 2010

Review of Size of the Standards Committee

Purpose

1. To recommend a reduction in the size of the Standards Committee from 22 to 14 members by April 2011.

Background

2. Wiltshire Council's Standards Committee has 22 members, making it one of the largest Standards Committee's in the country. The size of the Committee was determined in anticipation of the volume of complaints that it would be required to determine, based on data submitted by the former district council's of Wiltshire.
3. It was agreed that the number of Committee members would be reviewed after the Council had a clearer idea of the volume of work undertaken by the Standards Committee following the creation of the new unitary authority for Wiltshire. Members of the Standards Committee have asked officers to consider the size of the current Committee in the light of that experience.

Main issues for consideration

4. There have been 32 meetings of the Standards Committee and its decision-making sub-committees between April 2009 and August 2010. There were 7 meetings of the full Standards Committee, and a further 25 sub-committee meetings, to assess complaints, consider dispensations, consider investigation reports and determine complaints. The number given for sub-committees refers to occasions when members met as a sub-committee; on many occasions a sub-committee was convened to conduct a number of assessments and went on to consider granting dispensations. These have been counted as a single meeting. Training and Communications Sub-Committee meetings have not been included in these figures.
5. The current membership of the Standards Committee comprises:
 - Eight independent members
 - Eight town and parish members
 - Six elected members of Wiltshire Council

6. Each of the sub-committee meetings between April 2009 and August 2010 was attended, as required by the Constitution and by statute, by an independent member of the Standards Committee, a town and parish council member, and a member of Wiltshire Council. This meant that, in addition to the usual scheduled meetings of the full Standards Committee, independent and town and parish members attended 3.1 meetings during the period in question. The Wiltshire Council members attended, on average, 6.25 of these meetings.
7. Several members of the Standards Committee have reported that they would wish to be more fully occupied with regard to their Standards Committee duties, and have indicated that the size of the Standards Committee may be too large for the work required of it.
8. The Governance Support Officer reports that, with the current membership, it is usually relatively straightforward to find independent and town and parish members of the Standards Committee who would be available to attend assessment/dispensation/consideration meetings, but that it is often more difficult to find Wiltshire Council members of the Standards Committee who are available, mainly because of other Wiltshire Council commitments.
9. Officers have considered whether a reduction in the size of the Standards Committee could be achieved while still maintaining the capacity to deliver the Committee's statutory and constitutional functions. The risk of reducing the Committee's size, and consequently its overall capacity, has to be weighed against the cost of a committee of this size, and the fact that not all members feel that they are able to contribute as much as they would wish to the Committee's work.
10. Another factor to be taken into account is the announcement by the Coalition Government that it intends to repeal the Code of Conduct legislation, and is likely to remove the statutory requirement for councils to operate standards committees. The detail and timing of these changes are to be determined by the new Localism Bill, which is unlikely to come into force before November 2011 at the earliest. Nonetheless, it seems prudent to bear these forthcoming legislative changes in mind. The proposals in this report represent an interim position pending clarification of the proposals for standards in the Localism Bill.
11. If the size of the Committee is to be reduced, members remaining on the Standards Committee would need to be aware that the demands on their time are likely to increase for the next 12 months or so, in order to ensure that the statutory functions of the Standards Committee can be carried out. Officers in the Governance Team will arrange a regular schedule of monthly meetings well in advance, to ensure that each decision making sub-committee meeting is composed of the members required by the Constitution and by the legislation to make decisions on Code of Conduct complaints and on dispensations, and that members have these meetings fixed in their diaries.

Recommendations

12. That the Standards Committee recommends to Wiltshire Council a revised Standards Committee membership of 14, comprising the following:
 - 6 independent members who are not members or officers of the council, nor have been so for the five years preceding their appointment;
 - 4 town or parish councillors who are not elected members of Wiltshire Council;
 - 4 elected members of the council, other than the Leader or any member of the Cabinet.

13. That the Standards Committee recommends to Wiltshire Council that the membership numbers set out in paragraph 12 above are a target, with membership numbers to be managed down from the current levels between now and April 2011 by means of voluntary resignations from the Standards Committee, and by not recruiting to any vacancies unless the target for each category is reached and there are insufficient members of the Standards Committee to fulfil the Committee's functions.

Training and Communications Issues Arising

12. There are no 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 is a risk that too many members of the Standards Committee seek to resign, meaning that the Committee does not retain sufficient numbers to fulfil its statutory functions.
14. There is a risk that the target composition of the Standards Committee proposed in this report will not be sufficient for the Committee to fulfil its statutory functions.

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