

Wiltshire Council

Standards Committee

20 June 2018

Standards Review Sub-Committees – Assessment Criteria and Meeting Procedures

Purpose of Report

1. This report asks the Standards Committee to consider changes to the Standards Complaints Assessment Criteria (Assessment Criteria) and the meeting procedures for Review Sub-Committees (meeting procedure).

Background

2. The Assessment Criteria and Meeting Procedure documents are not contained within the Constitution, although the Assessment Criteria is included within the Code of Conduct Guidance approved by Full Council. Review of that guidance is a responsibility of the Standards Committee.
3. The Assessment Criteria sets out the tests to be applied to any Code of Conduct complaint when being assessed by either a representative of the Monitoring Officer or a Review Sub-Committee, including details on requirements for sufficiency of information, seriousness and consideration of alternate resolution.
4. The meeting procedure sets out in detail how each Review Sub-Committee shall be conducted.

Main Considerations

5. Both the Assessment Criteria and Meeting Procedure list the initial tests when assessing any Code of Conduct complaint, as follows:
 - a) The complaint is about the conduct of a member of a council within the area of Wiltshire Council;
 - b) That the member was a member at the time of the incident giving rise to the complaint;
 - c) That the member remains a member of the relevant council.
 - d) That a Code of Conduct for the relevant council is in force and provided;
 - e) That the matters giving rise to the complaint would, if proven, be capable of breaching that Code.

The Assessment Criteria further states that *'If the complaint fails one or more of these tests it cannot be investigated and no further action will be taken'*.

6. Since the approval of the criteria case law has developed to clarify that in relation to test c) there are situations where it may be appropriate for councils to continue an investigation process even where a subject member is no longer a member of the relevant council. This could be where the seriousness of the complaint means it is justified in the public interest that a conclusion and resolution be reached.
7. It is therefore recommended that the Assessment Criteria and Meeting Procedure be amended to clarify the existing position in relation to the initial tests, as detailed in **Appendices 1 and 2**.
8. In relation to the Meeting Procedure there are several paragraphs relating to attendance by complainants and subject members, and the ability of Sub-Committees to proceed in the absence of either of the parties.
9. For the avoidance of doubt, it is recommended that additional text be added to clarify to all parties that no negative inference will be made in the absence of any of the parties. The changes are detailed in **Appendix 2**.
10. The Committee is also requested to review the two documents and consider if there are any other changes they feel would be appropriate.
11. The Committee is also requested to approve a variant on the Meeting Procedure used in relation to situations where a review is requested of the Monitoring Officer upholding an Investigating Officer's report. This document is provided at **Appendix 3**.

Safeguarding Implications

12. There are no safeguarding issues arising from this report.

Equalities Impact of the Proposal

13. There are no equalities impacts arising from this report.

Risk assessment

14. There are no significant risks arising from this report

Financial Implications

15. There are no financial implications arising from this report.

Legal Implications

16. The recommendations in this report are consistent with the relevant legislation, and there are no legal implications arising from this report

Public Health Impact of the Proposals

17. There are no public health impacts arising from this report.

Environmental Impact of the Proposals

18. There are no environmental impacts arising from this report.

Proposal

19. **That the Standards Committee recommends Council approve the changes to the Assessments Criteria and Review Sub-Committee Meeting Procedure as set out in the Appendix 1 and Appendix 2 to this report, along with any other changes recommended by the Committee.**
20. **To recommend the Meeting Procedure set out in Appendix 3 in relation to reviews following an investigation.**

Ian Gibbons, Director, Legal and Democratic (and Monitoring Officer)

Report Author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504,
kieran.elliott@wiltshire.gov.uk

Unpublished reports relied upon in the preparation of this report: None

Appendices

Appendix 1 – Proposed Changes to the Assessments Criteria

Appendix 2 – Proposed Changes to the Review Sub-Committee Meeting Procedure

Appendix 3 – Proposed Review Sub-Committee Meeting Procedure (Post Investigation)

