

Wiltshire Council
Standards Committee
Annual Report 2010/11

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 98 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	8 (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

52 complaints were received between April 2010 and March 2011

The outcome of the complaints that were assessed was:

Action	Numbers
Investigated/under investigation	4
No investigation	46

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

Reasons for no assessment	Numbers
Case closed as sufficient details not provided	1
Not a code of conduct complaint	0
Complaint withdrawn	1
Yet to be assessed	0

Breakdown of Code of Conduct Complaints

Paragraph of Code	Number of times cited 2010
3(1) – you must treat others with respect	14
3(2)(a) – you must not do anything which may cause your authority to breach any of the equality enactments	4
3(2)(b) - You must not bully any person	8
3(2)(c) – you must not intimidate any person who is or is likely to be a complainant	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	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	1
4(b) – you must not prevent another person from gaining access to information to which that person is entitled by law	2
5 – you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority	14

into disrepute	
Paragraph of Code	Number of times cited 2010
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
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	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)	0
6(c) – you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a)	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.	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.	0
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 if being held	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	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

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

In adopting a new constitution for the Council, Council requested the Standards Committee with its remit for oversight of the constitution to review the effectiveness of the constitution in light of experience after six months of operation. The Standards Committee agreed a process for reviewing the constitution by establishing the Focus Group on the Review of the Constitution (Focus Group) to undertake the detailed work required.

The Focus Group was cross-party and included four of the five political group leaders of the Council. It also included representation from the Standards, Audit and Scrutiny Select Committees and was chaired by Mrs Isabel Mc Cord, Chairman of the Standards Committee.

The Focus Group met on four occasions between March and October 2010 to consider all parts and protocols of the constitution with input from relevant Committee Chairmen, Cabinet members and officers. The Focus Group made a number of recommended changes to the constitution as documented in a report presented to a special meeting of the Standards Committee convened for that

purpose. The recommended changes were accepted by the Standards Committee. A full report on the outcome of the review of the constitution by the Standards Committee and a recommended revised draft of the constitution were presented to Council on 9 November 2010 for its consideration. Council accepted the recommendations of the Standards Committee and agreed to adopt the revised constitution which was to come into force on 1 December 2010. Council also noted the need to carry out a further review of the constitution in light of any changes in legislation including the Decentralisation and Localism legislation and ongoing work to review the constitution as and when required. Council therefore agreed with the Standards Committee's recommendation to retain the Focus Group for this purpose.

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:

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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