

**DRAFT**

**WILTSHIRE COUNTY COUNCIL**

**STANDARDS COMMITTEE**

**ANNUAL REPORT – 2009/10**

**Introduction by Isabel McCord – Independent Chairman**

I am very pleased to present the Annual Report of the Standards Committee for the period 2009/10. The report explains what the Committee does, what it has been doing over the last year and also outlines our future work programme.

It has been an extremely busy time for the Standards Committee and I would therefore like to take this opportunity to thank all my colleagues on the Standards Committee for their hard work, support and commitment over the last year. I would also like to thank officers for the support they have given me and the Committee.

As in previous years, this report is being published on the Council's website rather than producing multiple hard copies.

**Membership**

In accordance with the Standards Committee (England) Regulations 2008 the Committee assumed the responsibility from Standards Board for England (now called Standards for England) for the determination of complaints against elected and co-opted members of Wiltshire County Council for alleged breaches of the Code of Conduct for Members (the Code). This is often referred to as the Local Assessment Framework.

The 1 April 2009, saw the amalgamation of the four Wiltshire district councils, namely Kennet, North Wiltshire, Salisbury, West Wiltshire and Wiltshire County Council to create one Council for Wiltshire, Wiltshire Council. Consequently, the Standards Committee took over the responsibility for determining similar complaints against town and parish councillors of the 255 town and parish councils within the whole of the new Wiltshire Council area.

Such complaints are considered and determined at each stage by a sub-committee comprising 3 members of the Standards Committee with no member serving on more than one sub-committee for any one allegation or set of allegations

In recognition of the Committee's added responsibility and increased workload which include the determination of each stage of the local assessment process with a separate sub-committee, membership of the Standards Committee was increased from 9 to 22 members as follows:

### Independent Co-opted Members (8)

Mrs Jane Bayley, Mr Michael Cronin, Mr Philip Gill MBE JP, Mrs Isabel McCord (Chairman), Mr Ian McGill CBE, Mr Stuart Middleton, Mr Gerry Robson OBE (Vice-Chairman) and Mr Keith Shipman

### Wiltshire Council Members (6)

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 (8)

Mr Bill 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

Keith Shipman retired at the end of March 2010 having served for four years and having chaired the Committee during 2008/09. The Committee is grateful for his services and the valuable contribution he has made to the work of the Committee particularly during the transition to One Council and the impact this has had on the Committee as outlined above.

The Committee will be reviewing its size and composition with the aim of ensuring we have the optimum number of members to deliver its objectives and carry out its responsibilities.

### Officer Support

The Committee is supported by the following officers of the Council:

- |                |   |
|----------------|---|
| Ian Gibbons    | - Solicitor and Monitoring Officer (Service Director for Legal and Democratic Services) |
| Nina Wilton    | - Head of Governance and the Governance Team  |
| Yamina Rhouati | - Democratic Governance Manager and the Democratic Services team.                       |

### What Does the Standards Committee Do?

Under the Local Government Act 2000 all Councils are required to have a Standards Committee. Standards Committees have a proactive role in creating an ethical framework which governs the relationship between high standards of conduct and transparency and openness in decision making. The Standards Committee's other main role is to assess complaints against elected members and co-opted members of Wiltshire Council and town and parish councils within the Council's jurisdiction into alleged breaches of the Code.

In accordance with the Constitution of the Council, this Council's Standards Committee carries out the following functions:

- promotes and maintains high standards of conduct by elected members, co-opted members and church and parent governor representatives and officers
- 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 and ensures that all members of the council have access to training in all aspects of the code of conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the code
- 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
- deals with all matters relating to the dealing of complaints into alleged breaches of the Code of Conduct for elected and co-opted members of Wiltshire Council and the town and parish councils within the Council's jurisdiction.
- promotes and oversees high standards of ethical governance throughout the Council
- overviews the whistle blowing policy
- overviews corporate complaints handling and Ombudsman investigations
- reviews the implementation of recommendations made by the Ombudsman
- has oversight of the Constitution
- considers and determines applications for exemption to the requirements in relation to politically restricted posts.

### Sub-Committees

Due to the Committee's varied responsibilities, the Committee has appointed the under mentioned sub-committees to carry out the following functions on its behalf:

#### Assessment Sub Committee

Assess complaints into alleged breaches of the Code of Conduct against elected members and co-opted members.

### Review Sub-Committee

Reviews decisions of the Assessment Sub-Committee if requested to do so by the complainant.

### Consideration Sub-Committee

Following referral of a case for investigation, considers the Monitoring Officer's final investigation report and determines whether the alleged breach if proven justifies the holding of a full hearing into the complaint.

### Hearing Sub-Committee

Conducts hearings in respect of alleged breaches of the Code of Conduct.

### Dispensation Sub-Committee

Considers and determines requests from elected members for dispensations under the relevant Regulations from having to declare an interest where this affects 50% or more of the membership of a particular meeting.

### \*Communications Sub-Committee

Publicises, promotes and raises awareness of the work of the Standards Committee and is proactive in promoting good behaviour by members of Wiltshire Council and town and parish councils within the Council's jurisdiction.

### \*Training Sub-Committee

Co-ordinates and oversees the training function of the Standards Committee to encompass the Committee's wider remit to promote high standards of conduct, including arrangements for training officers on the Officers' Code of Conduct.

\*having achieved their main objectives, these Sub-Committees have now been disbanded and replaced by a Task and Finish Group to progress specific areas of work.

### What have We Done this year?

As a Committee, we met 5 times although there were several meetings of the above mentioned sub-committees. Below is a summary of the key outcomes of the Standards Committee's deliberations over the past year.

#### **The Annual Audit and Inspection Letter**

The Letter was considered by the Committee to enable it to consider any ethical governance issues arising from the Letter, although it was noted that there were no significant issues.

#### **Communications Strategy**

The Committee endorsed a Communications Strategy developed by its Communication Sub-Committee.

### **Local Assessment Framework**

The Committee received regular updates on the number of complaints made under the local assessment framework. The Committee noted that the percentage of complaints going forward to investigation was higher than the national average and that this was also the case for other local authorities.

### **Determining applications for Dispensations**

In considering the implications of the Standards Committee (Further Provisions) (England) Regulations 2009, the Committee agreed a procedure and criteria for dealing with applications for dispensations and established a Sub-Committee to determine such applications.

### **Hearings into complaints**

The Committee considered the general outcomes of hearings with a view to considering the necessity or otherwise of adjusting its procedures in light of experience gained. This also served as a mechanism to share the experience with other members of the Committee.

### **Local Government Ombudsman**

The Committee was fortunate to receive a presentation from Jerry White, the Local Government Ombudsman and Vereena Jones, Assistant Ombudsman on the role of the Ombudsman and the relationship between the Ombudsman and the Council. The Ombudsman also presented his Annual Review of Wiltshire Council for the year ended March 2009 in which it was noted there had been a reduction in complaints made to the Ombudsman against the Council.

### **Department of Community Services Compliments and Complaints Annual Report 2008/09**

The Committee considered the Annual Report and noted that some major improvements had taken place in this area, but requested that in future, benchmarking information be included.

### **Register of Interest**

The Committee considered an annual update which confirmed that following the elections in June 2009, all elected and co-opted members of the Council had complied with their obligation to provide details of their interests as required by the Code. The Committee was also satisfied that members would continue to receive periodic reminders of their obligations to update their register of interest forms and submit details of any gifts and hospitality received as and when necessary.

Following recommendation by this Committee, the Council agreed that members and co-opted members of Wiltshire Council may opt into the on-line publication of their entries in the statutory register of members' interests. This is in addition to the statutory obligation to make the register of interests open for public inspection.

### **Whistleblowing Procedure**

The Committee noted that the Whistleblowing Procedure had been revised to take account of advice from the external auditors, good practice and learning gained from running the procedure over the past 5 years.

## **Review of the Wiltshire Constitution**

In keeping with its role of having oversight of the Council's Constitution, the Standards Committee was kept informed of the progress on reviewing the document. The Chairman of the Standards Committee chaired a cross-party group of members, the Focus Group on the Constitution which assisted with the review and made recommendations to the Implementation Executive prior to consideration and adoption of an updated Constitution by the Council in February and June 2009.

Adoption of the Constitution was on the basis that a review of the effectiveness of the document would be undertaken in light of experience after six months and the Standards Committee was requested to undertake such a review. The Committee therefore agreed a process for undertaking the review and established another cross-party Focus Group which includes Standards Committee representation to progress the review. This will be a major piece of work for the Standards Committee in 2010.

## **Annual Assembly of the Standards Board for England – 12-13 October 2009**

It is customary for the Committee to be represented by a member and officer at the Annual Assembly. Some 800 delegates attended from Councils across England. On behalf of the Chairman, Councillor Ernie Clark attended the Annual Assembly along with the Monitoring Officer and the Committee considered a report on the outcomes of the Assembly.

## **Meeting with the Leader of the Council and Chief Executive**

The Chairman of the Committee and Monitoring Officer met with the Leader of the Council and Chief Executive to explain and promote the work of the Standards Committee. A further meeting has been arranged with the Leader and recently appointed Chief Executive and future meetings have been arranged to take place on a quarterly basis. The aim is to ensure high standards of conduct and ethical governance remain core values of the Council.

## **Training**

As well as its work through the Training Sub-Committee, the Committee has also ensured the training needs of its own members are met. Training on the Code and specific training on the role of the Committee and its members was provided last year.

Mindful that the assessment of complaints into alleged breaches of the Code is a relatively new area of work for the Committee, follow up training in this area was provided. This training took the form of viewing the 'Assessment Made Clear' DVD produced by Standards for England; a question and discussion session, sharing learning points, examining case studies and exploring use of other action including mediation.

## **Raising awareness of the Code of Conduct**

The Committee has taken the view that the majority of complaints made against members into alleged breaches of the Code stemmed from a misunderstanding of the provisions of the Code rather than a wilful act to breach it.

The Committee considered it was important to take a proactive stance in raising awareness of the provisions of the Code particularly among town and parish councils in order to create a better understanding and observance of it which in turn, would bring about a reduction in the number of complaints received.

To this end, a letter was circulated to all town and parish councils in the Council's area which drew attention to the work of the Standards Committee and outlined ways in which Wiltshire Council may be able to support governance arrangements in those town and parish councils. The letter included a leaflet, developed by the Communication Sub-Committee which summarised the key provisions of the Code of Conduct; a copy of the Standards for England DVD 'The Code Uncovered' and a booklet kindly donated by Wiltshire Association of Local Councils (WALC) 'The Good Councillor Guide'.

### **Assurance Group**

The Committee agreed representation on the Assurance Group which has responsibility for progressing a range of governance and assurance issues.

### **Annual Governance Statement**

The Committee considered the Statement in order to ensure that ethical governance issues were adequately addressed in the document.

### **'The Bulletin'**

The Committee continued to receive 'The Bulletin' newsletter from Standards for England and discussed matters of interest contained therein. The Committee finds the publication useful in terms of benchmarking against what happens in other authorities, and in that it provides a link to the Standards for England and access to best practice arrangements being operated elsewhere.

### **Standards Committee Plan 2010-2014**

In order to ensure that it remains effective in its role and makes the best use of its resources, the Committee agreed its priorities over the next four years subject to reviewing the Plan every quarter.

The Plan was drawn up using Standards for England guidance on what excellent Standards Committees should be doing and was linked to the goals and aims of the Council.

### **What Will We Be Doing Next Year**

The Committee will continue with its core functions and continue to look at the following areas:

- consider the Local Government Ombudsman's Annual Report
- consider the Annual Audit and Inspection Letter in so far as ethical governance issues are concerned
- review the effectiveness of the Council's Whistle-blowing Policy

- provide views on the Council's Annual Governance Statement prior to adoption by the Audit Committee
- ensure Members' compliance with the Code of Conduct in respect of the completion of Register of Members' Interest and gifts and hospitality forms

As mentioned above, the Committee has agreed a Standards Committee Plan for the period 2010-2014. Although the Plan will be considered by the Committee every quarter to review its priorities as necessary, it does provide an agreed plan of action to focus the Committee's attention in a managed and timely manner. The following areas of work have been included in the Standards Committee Plan:

### **Local Standards Framework**

The Committee will review its processes to ensure it continues to apply the local standards framework in a fair, efficient and proportionate manner.

### **Promote Ethical Wellbeing**

The Committee will promote the ethical well-being of Wiltshire Council by embedding standards further within the Council. It will do this by supporting the Council in moving to a single culture by promoting the values articulated in the Council document 'What Will We Be Like'; increasing the Committee's visibility at meetings of Council, Cabinet, Committees and Area Boards and hold regular meetings between the Chairman of the Committee, the Leader and Chief Executive of the Council.

### **Review of the Constitution**

As requested by the Council the Committee will undertake the review of the Council's constitution to ensure it continues to be lawful and fit for purpose. The review will be carried out with the assistance of a cross-party group of Councillors and representatives of the Standards Committee and Overview and Scrutiny Management Resources Select Committee and Audit Committee.

### **Complaints handling**

The Committee will review how the Council handles complaints received to ensure they are dealt with efficiently and lead to improvements to services to the public.

### **Code of Conduct Training**

The Committee will ensure the provision of training on the Code of Conduct for elected and co-opted members of the Council and monitor the take-up and effectiveness of the training.

### **Town and Parish Councils**

The Committee will communicate regularly with town and parish councils on standards issues and have a visible presence at meetings of those councils. It will promote excellence in wider aspects of governance through membership of WALC.

### **Standards in Local Government**

The Committee will inform and engage the public on standards in local government. It will do this by providing articles related to the Code of Conduct in Wiltshire Council internal and external communications and ensure Committee representation at public meetings and events. It will also produce a leaflet on making a complaint and



the local assessment process for distribution throughout the Council's area. The Committee will also assist in reviewing the Wiltshire Council web-site to ensure easy access and navigation.

### **Promote Standards in Partnerships**

The Committee will review partnership governance arrangements and incorporate agreed values and standards of behaviour in partnership documentation.

### Conclusion

I am very pleased that the Standards Committee has continued to play an effective role in the work of the Council. Ethical governance issues even on a national basis have received so much media attention this year, much of it negative. It is therefore more important than ever to improve confidence in government albeit at a local level and those elected to serve it by promoting high standards of conduct and behaviour in the Council's activities.

It was reassuring to know that ethical governance was taken seriously by the former Wiltshire County Council and continues to be taken seriously by the new Wiltshire Council.

The Committee's responsibilities have been expanded to deal not only with the assessment of complaints against members and co-opted members of this Council but also complaints made against members and co-opted members of town and parish councils. This is a key piece of work which the Committee takes very seriously. Having increased the membership of the Committee to ensure it had sufficient members to service this area of work, it also ensured that those members were trained to a sufficient level to carry out this work both lawfully and efficiently.

As can be seen by the work undertaken this year, progress has been made in a number of areas and the Committee is keen to maintain this momentum and keep ethical governance where it should be, at the heart of what the authority does. As can be seen from the key areas of work agreed over the next four years as outlined above, the Committee is attempting to be as proactive as it possibly can to improve upon and progress its core functions.

The Committee is also grateful to have the continued support from the Leader of the Council, the Chief Executive and the Council generally.

### Would You Like To Be Involved?

The position of Independent Member is open to anyone who can demonstrate they

- can exercise personal integrity and are committed to integrity in local government
- have experience of critically assessing written and verbal evidence and reaching a balanced and objective decision based on the evidence
- have comprehensive experience of working with a wide range of people, both colleagues and customers or service users, and that they can communicate

effectively at all levels

- are able to express their ideas and point of view confidently, effectively and tactfully
- have excellent listening skills
- have experience of problem solving and analysis
- are tenacious and independent, and can exercise persuasion and influence
- have an understanding of the principles and practice of equality and diversity and be committed to those principles

Although the Committee will be reviewing its size and composition, if you are interested in applying to serve on the Committee as an independent member or as a town or parish council representative, please look out for the adverts in the local newspapers or register your interest with us using the contact details below and we will contact you when we next recruit new members.

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:

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