

STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 25 JANUARY 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Wiltshire Council Members

Cllr Peter Fuller, Cllr Howard Marshall and Cllr Ian McLennan

Town/Parish Council Co-opted Members

Mr William Bailey, Mr Craig McCallum, 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)

Also Present:

Cllr Allison Bucknell

1. Apologies

Apologies were received from Cllr Nigel Carter, Cllr Ernie Clark, Cllr Julian Johnson and Mr Paul Neale

2. Minutes of previous meeting

The minutes of the meeting held on 23 November 2011 were presented

Resolved:

To approve the minutes as a correct record

3. Declarations of Interest

Cllr Peter Fuller declared a personal interest in item 6 – Acceptable usage policy for email, Internet and computer use, as it affected him more than other members of the committee

4. Chairman's announcements

There were no announcements

5. Public Participation and Questions from Committee Members.

There were no members of the public present

6. Acceptable Usage policy - for email, Internet and computer use

Members considered the report which had been referred by the Staffing Policy committee. The committee noted the recommendations of the Staffing Policy committee and the amendments to points 17 and 57 that they had made.

A further amendment to point 57 was made so that it now read: 'A complaint made against a councillor under this policy should be referred to the Monitoring Officer who will advise on the appropriate action to take.'

An amendment to the first page of the policy, first paragraph under the heading 'Who does it apply to?' was made so that the paragraph also included co-opted members.

Resolved:

That the Standards committee endorses the changes to the policy subject to the amendments detailed above.

7. Framework for the new Code of Conduct

The Monitoring Officer introduced the report, which identified the key issues for the committee to consider when preparing to meet the requirements of the new standards framework and also updated members on the outcome of discussions in the Task and Finish Group, Group Leaders and the Focus Group on the Review of the Constitution.

The Monitoring Officer explained that on the Government's intended timetable a new Code of Conduct would have to be in place by 1 July 2012. Discussions were taking place between the Local Government Association (LGA), the Association of Council Secretaries and Solicitors (ACSeS) and the National Association of Local Councils (NALC) on preparing a national model code for authorities to consider adopting.

The Monitoring Officer had also been in contact with Wiltshire Association of Local Councils (WALC) as it was important to keep parish and town councils informed.

The Monitoring Officer's view was that as a fall-back position Wiltshire Council should continue with its existing Code and review it as and when the regulations on interests were published having regard to any national developments.

It was agreed that a seminar should be arranged after the next Standards Committee meeting to enable all councillors to discuss the key issues of the new framework.

Resolved:

- 1. To note the action taken so far and the views of the Standards Task and Finish Group, Group Leaders and the Constitution Focus Group on the implementation of the new standards framework.**
- 2. To ask the Monitoring Officer, in consultation with the Standards Task and Finish Group and the Chairman of the Constitution Focus Group, to prepare detailed proposals on the following for the Constitution Focus Group to consider at its next meeting:**
 - (i) the size and terms of reference of a proposed new standards committee;**
 - (ii) the arrangements for dealing with complaints;**
 - (iii) the arrangements for appointment of the independent person(s), including the number to be appointed, a job description and person specification for this role;**
 - (iv) a code of conduct, subject to the regulations to be issued on interests, having regard to any national or regional models that are being developed, and the views of members.**
- 3. To oversee the arrangements for consulting and providing support to town and parish councils in the implementation of the new standards framework.**
- 4. To ask the Constitution Focus Group to report back to the Standards Committee at its meeting on 7 March 2012 with a view to final recommendations being made to the Council at its meeting on 15 May 2012.**

8. Minutes of the meeting of the Focus Group on the Review of the Constitution held on 16 January 2012

The minutes of the Focus Group on the Review of the Constitution had been circulated to members of the committee. The Committee considered the recommendations made by the Focus Group and

Resolved:

Questions and Motions on Notice

To recommend to Council:

- a) not to limit the number of questions or motions a member may submit;
- b) not to change the deadline for submission of questions or motions on notice at this stage but to keep the position under review and bring this back to the Focus Group for further consideration in due course. In the meantime to encourage Councillors to submit questions in particular, in advance of the deadline as far as possible to maximise the time available to prepare responses and in the case of motions, to prepare reports to assist Council in its consideration of them where appropriate;
- c) Not to introduce a time limit for questions and motions;
- d) Not to differentiate between operational and non-operational questions;
- e) To require motions on notice to contain a clear separation between the preamble setting out background information to the motion and the action being sought; and to ask officers to prepare background reports for motions on notice where possible and guidance to assist members in drafting motions;
- f) To note that the Chairman in keeping with his role to manage the efficient transaction of business at meetings, had agreed to place questions and notices of motion further down the agenda, after substantive business, in particular items on the budget and policy framework and having regard to the agenda as a whole.

Contract Regulations

To recommend to Council:

- a) to agree the revised contract regulations, subject to the Head of Procurement circulating a final revised draft to members of the

Focus Group and the Standards Committee by the end of January for comment, taking into account, the following points in particular:

- b) The contract regulations should contain a specific requirement to include the BuyWiltshire website in advertisements for the tender of council contracts;**
- c) The regulations should provide for the publication of decisions on extraordinary exemptions and the reasons for those decisions on the council's intranet within 10 working days of the date of the decision, and should normally be made available to the public, except where this would not be appropriate for legal reasons.**

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

The Monitoring Officer presented the report and it was noted that there had been an increase in cases. It was noted that there will be a point at which the Council will no longer be able to accept complaints under the present regime. This will need to be considered in the light of the transitional regulations when they are available.

Resolved:

To note the report and that a further report will be presented to the committee on the transitional arrangements for dealing with complaints under the current system once the regulations have been issued.

10. Minutes of Sub Committees

The minutes of the Dispensation Sub-Committee held on 20 December were presented.

Resolved:

To note the minutes

11. Forward Plan

The committees forward plan was presented.

Resolved

To approve the forward plan as amended.

12. **Urgent Items**

There were no urgent items

(Duration of meeting: 2.30 - 4.40 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services,
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