

STANDARDS COMMITTEE

MINUTES of the STANDARDS COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD on Monday, 30 July 2012.

PRESENT:

Wiltshire Council Members

Cllr Julian Johnson (Chairman), Cllr Allison Bucknell, Cllr Chris Caswill, Cllr Ernie Clark, Cllr Christopher Cochrane (Substitute), Cllr Jon Hubbard, Cllr Julian Johnson (Chairman) and Cllr Ian McLennan

Co-opted Members

Yet to be appointed.

1 Apologies for Absence

Apologies for absence were received from the following Councillors Nigel Carter, Brian Dalton, Peter Fuller, Carole Soden and Christopher Williams.

Cllr Peter Fuller was replaced by Cllr Christopher Cochrane for this meeting only.

It was noted that the meeting was quorate.

2 Minutes

The minutes of the last meeting of the former Standards Committee held on 2 May 2010 were presented. The Committee noted that these minutes had been presented to Council on 10 July 2012 and therefore did not require to be signed off by this new Committee.

Resolved:

That the minutes be received and noted.

3 **Declarations of Interest**

No declarations of interests were made.

4 **Chairman's Announcements**

There were no announcements from the Chairman.

5 **Public Participation and Questions**

No requests for public participation at this meeting had been received.

6 **Co-opted Members - update**

The Chairman reminded the Committee that Council had at its last meeting on 10 July 2012, resolved to delegate to the Standards Committee the appointment of 4 non-voting co-opted members of the Committee.

The Chairman suggested that the Committee established a Selection Panel which could then make recommendations on the appointments to the next meeting for final decision by this Committee.

Resolved:

- (a) **That a Selection Panel be established to deal with the appointment of 4 non-voting co-opted members of the Standards Committee for recommendation to the next meeting of this Committee.**
- (b) **That the membership of the Selection Panel be agreed by the Monitoring Officer in consultation with the Chairman and include representatives from those political groups on the Council who wish to be involved in the process.**

7 **Appointment of Sub-Committees and Focus Group**

The Monitoring Officer presented a report which sought the Committee's approval to appoint the Hearing, Review and Dispensation Sub-Committees as allowed for in the Committee's terms of reference, details of which were presented. It was noted that the Sub-Committees would primarily comprise 3 elected members drawn from the Committee according to availability but be politically balanced.

The Committee was also asked to approve the appointment of a Focus Group on the Constitution. This would be along the lines of the Focus Group previously established by the former Standards Committee to carry out the detailed work to review and consider changes to the constitution. Details of the terms of reference and previous membership were presented.

Resolved:

- (a) To appoint the following Sub-Committees of the Standards Committee as provided for in the Committee's terms of reference:**
- **Hearing Sub-Committee**
 - **Review Sub-Committee**
 - **Dispensation Sub-Committee.**
- (b) To appoint the Focus Group on the Constitution with the same terms of reference as previously agreed and with the following membership:**
- **a member from each political group on the Council nominated by Group Leaders;**
 - **a member of the Overview and Scrutiny Management Committee;**
 - **a member of the Audit Committee;**
 - **two co-opted non-voting members of the Standards Committee (one of which to be a town/parish representative);**
 - **the Chairman of the Standards Committee and**
 - **that appropriate Councillors and Officers be invited to attend as and when requested by the Focus Group or its Chairman to assist in its work.**

8 Annual Governance Statement

The Monitoring Officer presented the draft Annual Governance Statement (AGS) for the period 2011/12 for the Committee's consideration and comment. The Monitoring Officer drew specific attention to the parts of the AGS which related to the work of the Standards Committee.

It was noted that the Council was required, as part of its annual review of the effectiveness of its governance arrangements, to produce an AGS. This would be signed by the Leader of the Council and the Corporate Directors after final approval by the Audit Committee on 7 September 2012 and would form part of the Council's Statement of Accounts. The Audit Committee's comments on the initial draft AGS it had considered on 20 June had been incorporated into the draft now presented. The draft AGS had also been supported by Cabinet when it considered it on 24 July 2012.

During discussion, the following comments and suggested changes to the AGS were made:

- Paragraphs 20 and 62 – to update the sections to refer to the implementation of the new standards framework.
- That the Protocol on Councillor/Officer Relations be reviewed to ensure consistency with the recently adopted Code of Conduct.
- Include reference to the Committee’s responsibility for the overview of corporate complaints handling and Ombudsman investigations.
- Paragraph 99 – under the heading of ‘safeguarding and looked after children services’ to correctly identify the scrutiny task group as the ‘Safeguarding Children and Young People’s Task Group’. Reference to the Improvement Board having met twice should be updated to have ‘met a number of times’

Resolved:

- (a) That the draft Annual Governance Statement be amended as detailed above.**
- (b) To note that the draft Annual Governance Statement would be revised in the light of any comments by Cabinet, this Committee and ongoing work by the Governance Assurance Group before final consideration by the Audit Committee on 7 September 2012 and publication by 30 September 2012.**

9 Code of Conduct Complaints - Status Report

The Monitoring Officer presented a report which updated the Committee on the number of Code of Conduct complaints awaiting assessment or determination.

It was noted that a number of complaints brought under the old Code of Conduct that were either under investigation, awaiting a hearing, or awaiting assessment when the new provisions came into force. Progressing these complaints had been delayed pending the coming into force of new Regulations to clarify what would happen with these complaints.

The relevant Regulations which had now been made, clarified that all existing cases not determined by 1 July 2012 must be dealt with using the Council’s new procedures for handling Code of Conduct complaints. However, the complaints would be assessed under the old Code of Conduct which was in force at the time and it was noted that the sanctions under the new procedures would apply.

The statistics given were as follows:

- 6 complaints – investigation completed and await a hearing
- 2 complaints – draft report stage

- 1 complaint – referred for investigation
- 9 complaints (new) – was awaiting implementation of new procedures and appointment and training of new Independent Persons.

Cllr Morland considered that any complaints being dealt with under the new procedures should be assessed against the new Code without any reference to the old Code.

Resolved:

That the report be noted.

10 **Frequency of Meetings**

The Monitoring Officer presented a report which asked the Committee to consider and agree the frequency of its committee meetings.

Resolved:

To agree the Standards Committee's timetable of meetings as follows:

2012
24 October

2013
9 January
10 April
10 July
9 October

11 **Forward Plan**

The Chairman invited the Committee to consider areas for inclusion in its future work programme. To assist the Committee, the Monitoring Officer presented a draft work programme as follows:

Implementation of new standards framework

- Review progress on implementation
- Provision of training for Councillors in Wiltshire on new requirements
- Consider and determine what further interests should be subject to registration and disclosure and whether to require withdrawal from meetings where there is a disclosable pecuniary interest
- Review local criteria for assessment of complaint

Review of Constitution

- Scheme of delegation

- Financial Regulations
- Planning Code of Good Practice for Wiltshire Council
- Changes arising from new legislation

Governance

- Annual Governance Statement
- Whistleblowing
- Review of complaints process
- Annual Ombudsman's report on complaints

Cllr Clark questioned the Committee's need of considering whether or not to require Councillors to withdraw from meetings as referred to in the 3rd bullet point above, given there was no longer a specific provision requiring such withdrawal.

Cllr Clark suggested that the Focus Group on the Constitution be asked to examine the Scheme of Delegation to the Strategic Planning Committee in so far as it enabled certain planning applications to be considered by that Committee rather than by the relevant Area Planning Committee. A discussion ensued on the possibility of drawing up a protocol on how Councillors could trigger a review of the constitution. It was suggested that this could be considered by the Committee in due course.

Cllr Morland referred to the Circular letter to local authority Leaders dated 28 June 2012 from Bob Neil MP, Local Government Minister on the introduction of the new standards and conduct arrangements. Cllr Morland drew the Committee's attention to an extract of the Circular which stated 'All councils now have the opportunity to make a clean break from the bureaucratic standards arrangements of the old regime....' Cllr Morland also noted that the Minister intended to publish a guide to members' pecuniary interests.

Resolved:

To note the draft presented which would form the basis of the Committee's future work programme.

12 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.30pm - 3.45 pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024, e-mail yamina.rhouati@wiltshire.gov.uk

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