

STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 24 OCTOBER 2012 AT THE PRATCHETT ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin (Substitute), Cllr Nigel Carter, Cllr Chris Caswill, Cllr Ernie Clark, Cllr Christopher Cochrane (Substitute), Cllr Peter Fuller (Vice Chairman), Cllr Julian Johnson (Chairman), Cllr Ian McLennan, Cllr Roy While and Cllr Christopher Williams

Also Present:

Cllr Francis Morland and Cllr Jonathan Seed

13 Apologies for Absence

Apologies were received from Cllrs Brian Dalton and Carole Soden. Cllr Trevor Carbin substituted for Cllr Dalton and Cllr Cochrane for Cllr Soden.

14 Minutes

The minutes of the meeting held on 30 July 2012 were presented.

RESOLVED:

To sign the minutes as a correct record.

15 Declarations of Interest

There were no declarations of interest.

16 Chairman's Announcements

The Chairman announced that Item 11 would be brought forward as some members were due to go on a planning site visit.

17 **Public Participation and Questions**

There were no members of the public present

18 **Appointment of non-voting co-opted members.**

The Chairman introduced the persons selected for appointment as non-voting voting co-opted members of the Standards Committee

and it was

RESOLVED

To confirm the appointment of the following as non-voting co-opted members:

Mr John Scragg

Miss Pam Turner

Mr Paul Neale

Mr Philip Gill MBE, JP

19 **Implementation of New Standards Framework - Update**

The Head of Governance introduced the report and outlined the progress that had been made in implementing the new requirements in Wiltshire, particularly in respect of the Code of Conduct and the Register of Interests.

The Monitoring Officer then referred to paragraphs 21-24 of the report, which asked members to consider whether it was appropriate to require any additional pecuniary and non-pecuniary interests to be declared and registered under the Council's Code of Conduct in accordance with its discretion under section 28(3) Localism Act 2011, and whether councillors with disclosable pecuniary interests should be required by standing orders to withdraw from meetings. The Council had, at its meeting on 26 June 2012, asked the Standards Committee to look into this, in consultation with parish, town and city councils and to report back with proposals at the earliest opportunity.

The Monitoring Officer also referred to the notes of the meeting of the Member Support in the Locality Task Group where further clarification had been requested on the new rules, particularly in relation to 'dual-hatted' members and whether member allowances were a disclosable pecuniary interest. It was recommended that guidance on this would be of particular assistance to parish, town and city councillors and should reflect the environment in which they work.

Following discussion it was

RESOLVED:

To recommend the Council to adopt the following as an interim position, pending consultation with parish, town and city councils, and to report back to the Council at its meeting in February 2013 on the outcome of the consultation and any final recommendations for adoption by the Council.

To amend Wiltshire Council's Code of Conduct to require Councillors to:

a. register details of any interest in the following:

- any body of which the councillor is a member or in a position of general control or management and to which the councillor is appointed or nominated by the Council;*
- any body exercising functions of a public nature of which the councillor is a member or in a position of general control or management;*
- any body directed to charitable purposes of which the councillor is a member or in a position of general control or management;*
- any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the councillor is a member or in a position of general control or management;*

b. declare the existence and nature of any such interest at any meeting of the Council where business relating to the interest is being conducted.

Having declared such interest Councillors may then speak and vote on the matter, unless the Councillor decides this would not be appropriate due to other special circumstances.

20 Procedure for dealing with Code of Conduct Complaints - Assessment Criteria

The Head of Governance introduced the report and explained that 29 assessments had now been conducted and the criteria seemed to work very well. She recommended that the committee adopt the criteria and use them as a guideline for assessing and reviewing complaints.

The draft criteria set out at appendix 1 to the report reflected the comments of the Member Support in the Locality Task Group

Members requested some minor alterations to the assessment criteria:

Paragraph 1 last sentence to read: 'The Monitoring Officer will advise the complainant in such matters that they cannot proceed under local codes of conduct, but that the complainant should contact the relevant council in order to bring a complaint under the appropriate complaints procedure'.

Paragraph 2 – delete the first sentence.

RESOLVED

To approve the assessment criteria as set out in appendix 1 of the report, subject to the amendments detailed above.

21 Commission for Local Administration in England and Wales (Local Government Ombudsman) - Annual Report

The Chairman presented the annual report of the Local Government Ombudsman

RESOLVED

To note the report

22 Status report on complaints

The Head of Governance presented the report. It was noted that the majority of complaints were not going forward for investigation.

RESOLVED

To note the report

23 Minutes of a Hearing sub-committee

The Chairman asked the Monitoring Officer to introduce this item. The Monitoring Officer explained the process that had been followed in hearing the complaint under the Code of Conduct, as summarised in the minutes, and the concerns which had been raised on behalf of Cllr Humphries about the fairness of the procedure, which had led him, on advice from his solicitor, to withdraw. The Monitoring Officer had since received detailed submissions from Cllr Humphries' Solicitor setting out grounds for seeking a rehearing of the matter. These were being considered. The Monitoring Officer was, however, satisfied that the Sub-Committee had dealt with the matter fairly and lawfully in the

circumstances.

The Monitoring Officer then responded to questions from members of the Committee arising from the minutes.

RESOLVED

To receive and note the minutes.

24 Forward Plan

The forward plan was presented. The result of the consultations with the town and parish council's (minute 19 refers) were added to the January meeting.

RESOLVED

To receive and note the forward plan

25 Urgent Items

There were no urgent items.

(Duration of meeting: 2.00 - 3.40 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services, direct line 01225 718371, e-mail pam.denton@wiltshire.gov.uk

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