

Wiltshire Council

Standards Committee

Annual Report 2009/10

Foreword by the chairman

I am delighted to present the Wiltshire Council Standards Committee Report for 2009/10. It explains who sits on the committee, what it does, its achievements over the last year and its future work programme. It is reassuring to know that good governance and high standards of behaviour was taken seriously by the former Wiltshire County Council and this continues to be the case with the new Wiltshire Council.

The last year has been busy for both the committee and the officers that support it. On 1 April last year the four Wiltshire district councils and Wiltshire County Council were amalgamated to form one council for Wiltshire, the Wiltshire Council. At the same time the committee took over responsibility for determining complaints against councillors from all the 255 town and parish councils in the new Wiltshire Council area, in addition to any complaints against the 98 Wiltshire councillors, co-opted members and church and parent governors. To ensure the committee was able to carry out its increased responsibilities and particularly each stage of the local assessment of complaints, its size was increased from 9 to 22 members. This included 8 town and parish councillors. Furthermore I have ensured all committee members are trained to carry out their responsibilities fairly and with due regard to the law.

This year we have concentrated on:

- implementing and further developing our processes to ensure fairness and transparency in our handling of complaints arising from the Wiltshire Council Code of Conduct
- promoting understanding of the standard of behaviour required by developing training packages, one for Wiltshire councillors and one for town and parish councillors
- raising member and public awareness of this standard of behaviour and the complaint procedures by producing and distributing a leaflet on the code itself and developing another on the local assessment procedure
- identifying our priorities for the next four years to ensure high standards of conduct and good governance remain core values of the council.

All our meetings are characterised by open and constructive discussion and I thank fellow members and our officers for their hard work and valuable contributions. Progress has been made in a number of important areas and the committee is keen to maintain this momentum and take forward its work programme proactively this year. The public are welcome to attend our meetings and I welcome their contribution to the discussions.

I am very pleased that the Wiltshire Council Standards Committee has continued to play an effective role in the work of the council. Public trust in elected representatives has been adversely affected by the behaviour of some Members of Parliament and I believe it is more important than ever that this committee does all it can to raise public trust in local democracy by promoting consistently high standards of conduct throughout local government in Wiltshire. I look forward to working with Wiltshire Council, town and parish councils, the people of Wiltshire and officers to achieve this vision over the coming year.

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 96 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



The Standards Committee with the Monitoring Officer

Independent co-opted members (eight)

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

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

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 particularly during the transition to one council and the development of the local assessment process.

The Wiltshire Council Standards Committee will be reviewing its size and composition with the aim of ensuring it has the optimum number of members to deliver its objectives and carry out its responsibilities.

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:

Standards committee*	5
Assessment sub-committee	12
Review sub-committee	3
Consideration sub-committee	3
Hearing*	2
Dispensation sub-committee*	3
Training sub-committee	2
Communications sub-committee	6

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 2009/10

Number of complaints received

Of the 48 complaints received, 31 were assessed by sub-committees of the standards committee, whilst two were assessed by previous district council standards committees prior to the establishment of Wiltshire Council.

The outcome of the complaints that were assessed was:

Action	Numbers
Investigated/under investigation	18
No investigation	13

The 17 complaints that were not assessed fall into the following categories:

Reasons for no assessment	Numbers
Case closed as sufficient details not provided	11
Not a code of conduct complaint	3
Complaint withdrawn	2
Yet to be assessed	1

The work of the Wiltshire Council Standards Committee April 2009 – March 2010

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 noted that the percentage of complaints going forward to investigation was higher than the national average and that this was also the case for a number of other local authorities.

Training

The training needs of the committee were met, including training on the code of conduct and specific training on the role of the standards committee and its members.

Mindful that the assessment of complaints into alleged breaches of the code was a relatively new area of work for the committee and that more complaints were going forward for investigation than the national average, follow-up training in this area was provided. This 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.

Training packages for both Wiltshire Council members and town and parish councillors were developed for use in the forthcoming year. The former took account of the work of the Wiltshire Council Members Development Group while the latter was developed in conjunction with the Wiltshire Association of Local Councils (WALC).

A training sub committee was set up to look at these and all other training issues. It disbanded in January 2010 and its areas for action were included in the Wiltshire Council Standards Committee Plan 2010/14.

Raising awareness of the code of conduct

The committee took 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'. The leaflet is available on the Wiltshire Council website, in the hubs, libraries and Citizen's Advice Bureaux.

Furthermore the committee has approved the leaflet on the local assessment process developed by the communications sub-committee for the public. This leaflet will also be made available shortly on the Wiltshire Council website, in the hubs, libraries and Citizens Advice Bureaux.

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 that high standards of conduct and ethical governance remain core values of Wiltshire Council.

The committee endorsed a communications strategy developed by its communication sub-committee. This sub-committee disbanded in January 2010 and its work plan was incorporated into the Wiltshire Council Standards Committee Plan 2010/14.

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.

Review of Wiltshire Council's Constitution

Wiltshire Council's Constitution was reviewed prior to the establishment of the unitary authority. In keeping with its role of overseeing the 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 (IE) 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. This will be a major piece of work for the standards committee in 2010.

Registers 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.

Wiltshire Council Standards Committee Plan 2010/14

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.

Local Government Ombudsman

The committee received 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.

Whistle-blowing procedure

The committee noted that the Whistle-blowing 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 five years.

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

It is customary for the Wiltshire Council Standards Committee to be represented by a member and officer at the annual assembly. Some 800 delegates attended from councils across England. Councillor Ernie Clark attended the annual assembly on behalf of the chairman, along with the monitoring officer. The standards committee considered a report on the outcomes of the assembly.

'The Bulletin'

The committee continued to receive 'The Bulletin' newsletter from Standards for England. The committee finds the publication useful in terms of benchmarking against best practice in other authorities and in further developing its procedures in the light of Standards for England advice.

Reports

The committee considered the following reports:

- **The Annual Audit and Inspection 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 that some major improvements had taken place in this area, but requested that in future, benchmarking information be included.

- **Annual Governance Statement**

The committee noted that ethical governance issues were adequately addressed in the document.

Issues for 2010/11

The committee will continue with its core functions which includes continuing to look at the following areas:

- consider the local government Ombudsman's annual report
- consider the annual audit and inspection letter regarding ethical governance issues
- 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 the register of members' interests and gifts and hospitality forms.

As mentioned above, the committee has agreed a standards committee plan for the period 2010/14 to focus the committee's attention on its priorities. The plan will be considered by the committee every quarter to review its priorities as necessary. 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 Wiltshire Council 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 Wiltshire Council and town and parish councils. It will 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. 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's internal and external communications and ensure committee representation at public meetings and events. It will also distribute leaflets on making a complaint and the local assessment procedure for distribution throughout the council's area. The committee will also assist in reviewing the Wiltshire Council website 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.

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 are committed to those principles

If you are interested in applying to serve on the Wiltshire Council Standards Committee as an independent member or as a town or parish council representative when a vacancy arises, please look out for the advertisements 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:

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