

**Extract of minutes of the Standards Committee  
Dated 9 October 2013**

**45 Review of the Effectiveness of the Code of Conduct and Complaints Procedure**

The Localism Act 2011 introduced a new standards framework which came into effect on 1 July 2012. Wiltshire Council, as a principal authority, was required under the provisions of the new legislation to make a number of significant changes to its arrangements governing standards of member conduct. In July 2013 the Committee requested an update on the Code of Conduct and the Complaints procedure since its implementation.

The Monitoring Officer therefore presented a report and appendices reviewing the operation and effectiveness of the new arrangements from 1 July 2012 to date.

It was highlighted that there had been few complaints since the implementation of the new arrangements, and that to date there had been no complaint which had been referred for investigation which had been received since the new procedure had been put in place. The only investigations had related to complaints made under the old regime, but dealt with under the new arrangements.

Attention was drawn to suggestions for improvements to the operation of the current procedure from the Independent Persons who advised both subject members and the Monitoring Officer during the complaints procedure, including simplifying the communication of the process to prospective complainants, streamlining investigations, maximising the opportunity for alternative resolutions of complaints at an early stage, and other steps as detailed in the report. These would be followed up by the Monitoring Officer

Concerns were raised by some members in relation to comments from the Independent Persons that the absence of clear provision on the expected standards of behaviour of elected councillors in the Code of Conduct was resulting in cases being rejected that might otherwise have been put forward for investigation, with the risk of potentially undermining public confidence in the process.

The Committee noted the summary on the outcome of complaints received so far under the new regime but felt that it was too soon to give any proper assessment of the effectiveness of the council's code and arrangements and that more time was need to allow these to bed down.

The Committee also noted the trends drawn from other authorities in the country on the code of conduct and process for handling complaints. In order to assess the

effectiveness of these arrangements some members felt that it was necessary to ascertain from the public the extent to which the arrangements were upholding high standards of conduct in local government and public confidence in local democracy. There was discussion on how this might be explored.

The issue of political proportionality on the sub-committees of the standards committee was raised and there was unanimous support for the current position to be reversed so that these were no longer subject to political proportionality. This would open the membership of the sub-committees to more members and help avoid any perception that the sub-committees are politically driven. However, this approach to membership could only be implemented if no Councillor voted against the proposal at full council.

At the conclusion of debate, it was,

**Resolved:**

- 1) To note the report from the Monitoring Officer**
- 2) To ask the Monitoring Officer to consider how to assess the effectiveness of the council's standards arrangements from the public's perspective, to obtain further information on the position nationally and to report back to the Committee.**
- 3) To recommend Council to amend the terms of reference of the Standards Committee to remove the requirement for political proportionality in relation to its sub-committees, but including a requirement of a maximum of two elected members from any political group on any sub-committee.**