

STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 9 OCTOBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Desna Allen, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Howard Greenman, Cllr Russell Hawker (Substitute), Cllr Julian Johnson (Chairman), Cllr Howard Marshall, Cllr John Noeken (Vice Chairman), Cllr Paul Oatway, Cllr Ian Tomes and Cllr Christopher Williams

39 Apologies for Absence

Apologies were received from Councillors Terry Chivers, Horace Prickett and Miss Pam Turner.

Councillor Chivers was substituted by Councillor Russell Hawker.

40 Minutes

The minutes of the meeting held on **10 July 2013** and the attached proposed constitutional changes were presented. It was,

Resolved:

To approve as a true and correct record and sign the minutes.

41 Declarations of Interest

There were no declarations.

42 Chairman's Announcements

The Chair thanked officers for the training session on Standards Hearings, Reviews and Dispensation Sub-Committees for Members that had taken place at 1030 on 09 October 2013.

43 Public Participation and Questions

There were no questions or statements submitted.

44 **Standards Hearing Sub-Committee**

The minutes of the meeting of the Standards Hearing Sub-Committee on 30 July 2013 as approved by the Sub-Committee on 03 September 2013, and the minutes of the Sub-Committee on 03 September 2013 (as attached) were presented.

It was,

Resolved:

To accept the minutes of the Standards Hearing Sub-Committees on 30 July 2013 and 03 September 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.**

46 The Local Government Ombudsman's Annual Letter for the Year Ended 31 March 2013

The Annual Review letter to the Council from the Local Government Ombudsman (LGO) providing a summary of statistics on the complaints made to the LGO regarding Wiltshire Council was presented., It was noted that there had been a total of 63 complaints, against an average of 36 for Unitary Authorities in general, although there was no comparison based on size, as Wiltshire was a large Unitary Authority.

It was noted with some disappointment that more detailed information would not be forthcoming from the LGO due to a change in their business processes

during the year. It was noted from the summary report accompanying the letter that complaints were made across a broad range of services, highlighting no major concerns with any particular service, and officers were providing good responses to the LGO on complaints.

Resolved:

To note the Annual Review letter from the Local Government Ombudsman.

47 Status Report on Complaints Under the Code of Conduct

The Monitoring Officer introduced the report, noting the total number of complaints since May 2012 as 42, and that since the implementation of the new standards regime in July 2012, no complaints had been referred for investigation except for cases that predated the new regime.

Resolved:

To note the Status Report on Complaints under the Code of Conduct.

48 Update on Dispensations for Voting on the Council Tax and Budget

The Monitoring Officer gave a verbal update on the latest position concerning the need for members to obtain a dispensation to vote on the budget or the setting of council tax. There had been no change to the law but revised guidance from the Department of Communities and Local Government (DCLG) now specifically states that dispensations are not required.

The Monitoring Officer clarified that the guidance did not have the force of law, although the issuing of that guidance did in his view lower the risk of any successful prosecution for breach of the rules on disclosable pecuniary interests. The Monitoring Officer advised that he would continue to consult with colleagues in other local authorities with a view to issuing advice to members in the near future.

Resolved:

To note the update from the Monitoring Officer.

49 Forward Plan

The proposed forward plan was noted, and the dates of additional future committees confirmed as 02 April 2014, 09 July 2014 and 08 October 2014.

50 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.00 pm)

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