

Hoey Ainscough Associates Ltd

Standards arrangements in Wiltshire

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Localism Act 2011

- Local code based on 7 Nolan Principles
- Local arrangements to handle complaints
- Independent Person to be consulted
- Criminal offence for non-registration and non-declaration but no suspension
- Duty to promote and maintain high standards

Case handling

- Complaint received
- Decide whether to take any action
- If investigated, is it a breach?
- If it's a breach does it need any sanction?
- Independent Person to support process

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Standards committee

- Composition – political proportionality
- Other representatives

Filtering complaints

An allegation is made

- MO consults IP and decides whether any action is needed
- May simply take no action
- May try to resolve the matter informally
- May decide it needs investigating
- Decision can be reviewed

Filtering – some issues

- Referring matter up to standards committee
- Right of review
- Getting balance right – what needs action and what doesn't?
- When should the councillor be told?

Informal resolution

- Views of complainant?
- Getting balance right – what needs action and what doesn't?

Investigating

If case is investigated

- MO may agree that there has been no breach and close the matter
- If the MO thinks there has been a breach, may seek informal resolution or case goes to Conduct Committee

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Conduct hearing

- Composition of panel?
- Public or private?

Sanctions

- Committee decides if there has been a breach or not and imposes sanctions or makes recommendations to council or group
- May
 - Censure or recommend training
 - Remove from committee or outside appointments
 - Restrict use of resources or access to premises
- What if council disagrees?
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Role of the Independent person

Law says

- Council must take account of views of IP on matter under investigation
- Member accused may seek views of IP

Typical arrangements

- IP consulted by MO before initial decision
- IP consulted by MO at end of investigation
- Standards committee consults IP before deciding

Independent Person – some issues

- Relationship with Standards Committee
- What do they do if they feel sidelined?
- What about the complainant?
- Giving views in public

The Nolan Principles

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Behaviours

- “You must be as open as possible about your decisions and actions.. And be prepared to give reasons.”
- “You are accountable for your decisions and must cooperate fully with whatever scrutiny is appropriate to your office.”

Interests

- Disclosable pecuniary interests (DPIs)
- Other interests?

Scenarios

- What would you expect MO to do?
- Would you expect to be consulted?
- If it turned out to be a breach of the Code what action do you think would be appropriate?
- Are there other ways the issue could be dealt with?

Any further questions?

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