

WEST WILTSHIRE DISTRICT COUNCIL

Minutes of the: Standards Committee

Held on: Thursday 18 September 2008

Held in: The Council Chamber, Council Offices, Bradley Road, Trowbridge

Present:

District Council Members: Cllrs Carbin, Clark, Martindale and Ridout

Independent Members: Tony Frost (Chairman), Bruce Epsley, Dennis Johnson and Gerry Robson

Town/Parish Members: Cllrs Oglesby

Also present: Monitoring Officer (TD), Member Support Officer (HP), and Solicitor (SMS)

15. Apologies

Apologies received from Cllr Leach and Cllr Wyeth.

16. Declarations of Interest

None received.

17. Minutes

The minutes of the Standards Committee meeting held on 17 July 2008, and of the Assessment Sub-Committee meeting held on 14 August 2008 were approved as a correct record and signed by the Chairman.

18. Announcements from the Chairman

The Chairman announced that Wiltshire County Council's Standards Committee is scheduled to meet on 24 September, and that items for discussion will include the Terms of Reference and Composition of Wiltshire Council's Standards Committee, and a progress report on the Constitution for Wiltshire Council. Members of West Wiltshire's Standards Committee have been invited to attend.

19. Standards Arrangements in the new Wiltshire Council

The Monitoring Officer (TD) introduced a report informing the Committee of the progress and current thinking of Wiltshire County Council on Standards arrangements for the new Wiltshire Council.

Mr Robson expressed concern that district and parish councils had been promised involvement in the forming of these arrangements, but have been excluded from the process. He also felt that the arrangements currently proposed are immoral and possibly unconstitutional. He suggested the Committee inform Wiltshire County Council's Standards Committee of its disappointment with the lack of district and town/parish involvement in forming arrangements, and proposes that the Chairs of the four District Standards Committees are now co-opted onto the Wiltshire County Council Standards Committee.

Mr Epsley felt that the arrangements proposed by County could render the new Wiltshire Council's Standards Committee *ultra vires*; specifically, unable to deal with complaints involving town or parish councillors.

Cllr Ridout agreed that the co-option of the District Chairs onto an interim Standards Committee was the least that should be expected.

Cllr Carbin noted that County appeared to be adjusting their current constitution to suit the new Wiltshire Council, and asked whether this was likely to be successful. The Monitoring Officer (TD) replied that past changes made to West Wiltshire's Standards arrangements required a process of formal consultation with town and parish councils. The County did appear to be amending their current Constitution to meet the needs of the new Wiltshire Council.

Mr Frost queried what would happen if a complaint referred to a District Standards Committee before 1 April 2009 was still unresolved when the new Wiltshire Council came into being.

Cllr Martindale asked if membership of the new Wiltshire Council's Standards Committee would be 'topped up' after the 2009 elections, or if an entirely new membership would be appointed. The Monitoring Officer (TD) replied that its membership would be 'topped up', with the vacancies being filled with new appointments, and the continuation of County's policy of rotating Standards Committee Members. He stated that the proposed arrangements are based on the legal principle that the County Council are the "continuing authority".

Cllr Oglesby stated that the formation of a new Council seemed the ideal opportunity to start afresh.

Mr Epsley suggested that in the proposed Terms of Reference for the new Wiltshire Council's Standards Committee, the section that reads

“...the Committee may appoint; An Assessment Sub-Committee to assess complaints; A Review Sub-Committee to review assessments if requested to do so by the complainant; and A Hearing Sub-Committee to conduct hearings into alleged breaches of the Code of Conduct”, should be adjusted to, “...the Committee will appoint...”

Mr Robson again proposed the co-option of the four District Standards Committee Chairs, and such Town and Parish Councillors that may be necessary in the interim period. He also suggested that the Committee makes the other Districts' Standards Committees aware of this proposal.

Cllr Oglesby stated that the co-option of Parish and Town Councillors onto the interim Standards Committee only as and when necessary, would be an unsatisfactory arrangement, as the Councillors would require training and some warning of this arrangement.

Cllr Ridout suggested scheduling an extra meeting of this Committee to consider its position after the County Standards Committee's meeting on 24 September. The Monitoring Officer (TD) replied that it may be sensible to consider additional meeting dates once County's timetable has been clarified.

RESOLVED that:

- 1. Members note the County Council's current thinking on the development of Standards arrangements for the new Wiltshire Council;**
- 2. The County Council's detailed proposals, when published, are reported to the Standards Committee for consideration and comment;**
- 3. The Standards Committee forwards its preliminary comments on the proposed Standards arrangements for the new Wiltshire Council to Wiltshire County Council's Standards Committee, and to the other four District Councils;**
- 4. Members of the Standards Committee note the invitation to the meeting of Wiltshire County Council's Standards Committee at 2.30pm on 24 September 2008; and**
- 5. If necessary, an additional meeting date is scheduled to discuss this issue after the meeting of Wiltshire County Council's Standards Committee on 24 September 2008, and before its next meeting.**

20. Standards Assessment Sub-Committee – verbal update

Mr Frost stated that a paper reviewing procedures relating to the assessment process is being prepared, and will be distributed in the next few weeks.

RESOLVED that:

- **The Standards Committee note the update.**

21. Standards Board for England guidance – verbal update

The Monitoring Officer (TD) advised the Committee that the Standards Board for England (SBE) has updated its guidance and suggested that Members ensure they have the most up-to-date documents by visiting the SBE website.

RESOLVED that:

- **The Standards Committee note the update.**

22. Standards Board for England : Bulletin 40 (August 2008 issue)

The Monitoring Officer (TD) noted that statistics featured in the bulletin show, nationally, the most common outcome of Standards Assessment Sub-Committees in the first quarter of Local Assessment was 'not referred for investigation' (41%). 39% of complaints had been referred for investigation and 18% had been referred for other action. Only 2% were referred to the Standards Board for England.

RESOLVED that:

- **The Standards Committee note the Bulletin.**

23. Date of Next Meeting

The date of the next meeting will be decided once Wiltshire County Council's timetable for forming arrangements for Standards in the new Wiltshire Council has been clarified.

7.00 – 7.45pm

These minutes were prepared by Henry Powell, Member Support Officer, who can be contacted on 01225 776655 ext 242, or hpowell@westwiltshire.gov.uk