



STANDARDS COMMITTEE

MINUTES of a SPECIAL MEETING of the STANDARDS COMMITTEE held at COUNTY HALL, TROWBRIDGE on MONDAY 10 NOVEMBER 2008.

PRESENT:

Independent Members - Mr KR Shipman (Chairman), Mrs I McCord,
Mr P Lefever and Mrs C O'Sullivan

Members of the Council - Mr E Clark and Mrs M White

Also in attendance

District Council Standards Committee Representatives:

Mr A Savill - Kennet
Mr P Deck - Kennet
Mrs G Rawlins - Kennet
Mr P Evans - Kennet
Mrs S Findlay - Kennet
Mr Chandler - Salisbury
Mr R Job - Salisbury
Mr T Frost - West Wilts
Mr R Oglesby - West Wilts

46 **Apologies and membership of the Committee**

Apologies for absence were received from Mr P McGuigan, Mrs Rugg and Mrs White for lateness due to attending another meeting.

47. **Attendance of Non-Members of the Committee**

The Chairman welcomed representatives of the Wiltshire District Council Standards Committees who had been invited to attend the meeting and participate in further discussions regarding the terms of reference and composition of the Standards Committee of Wiltshire Council (minute no. refers).

48. **Minutes of Previous Meeting**

Resolved:

To confirm and sign the minutes of the meeting held on 24 September 2008.

49. **Announcements from the Chairman**

Mr P McGuigan

The Chairman explained that owing to promotion which would involve an overseas posting, Mr McGuigan had given notice that he would be unable to attend meetings of this Committee on a regular basis. He would however, be able to make appropriate arrangements to enable him to serve on a sub-committee should that be required. In an effort to assist the Committee, Mr McGuigan had offered to remain a member of the committee until the end of March 2009. The Chairman reported that he had accepted Mr McGuigan's kind offer and congratulated him on his promotion.

50. **Members' Interests**

During the course of consideration of the Committee's terms of reference and composition, Mr Clark declared a personal interest by virtue of his membership of West Wiltshire District Council's Standards Committee.

51. **Public Participation**

None. The Chairman had already agreed to allow invitees to this meeting to participate in discussion outside of the rules on public participation.

52. **Annual Letter of the Local Government Ombudsman 2007/08**

The Corporate Standards Manager presented a report which brought the Annual Letter of the Local Government Ombudsman for 2007/08 to the Committee's attention. She also advised Members of actions which had been taken as a result of comments made by the Ombudsman in the Annual Letter.

During 2007/08, 24 complaints had been made to the Ombudsman concerning the Council; this compared to 33 in 2006/07 and 25 in 2005/06. During 2007/08, the Ombudsman had issued one report against the Council, details of which were included in the Annual Report.

The Committee's attention was drawn to the Ombudsman's comments regarding the Council's procedure for handling complaints and the way in which it responded to complainants. In light of these comments, a meeting was held between the Chief Executive, the Director for Children and Education, the Corporate Standards Manager and the Ombudsman and Deputy Ombudsman to discuss these comments.

At the request of the Chief Executive, the Corporate Standards Manager reviewed the Council's approach to complaints in order to reflect the discussion and advice from the Ombudsman. The Corporate Standards Manager prepared a report which was approved by the Corporate Leadership Team in September, details of which were presented. The recommendations would now be implemented and would be introduced to coincide with One Council for Wiltshire on 1 April 2009. As an interim measure, the Chief Executive would receive regular reports on individual complaints and the complaints team were working towards better integration in terms of sharing best practice learning lessons from complaints received.

A new complaints procedure was being drafted to reflect the reduction in the stages of the procedure from 3 to 2. Stage 2 complaints would be considered by the complaints team rather than departments concerned. The new procedure would remove stage 3, the Review Panel stage. The Standards Committee would however, retain a role in the oversight of complaints and considering the effectiveness of the procedure.

Members queried how it was envisaged that they would retain an oversight of complaints. The Corporate Standards Manager explained that the complaints team was currently developing ways of collecting data which could involve the use of a customer care software which would allow the Committee to pick up on any emerging trends which would then allow it to take up any concerns with the Leader and Chief Executive to help effect improvements to service delivery.

Resolved:

That the Committee

- (a) notes the Ombudsman's Annual Letter and**
- (b) approves and recommend to Council the consequential changes to the Standards Committee's Terms of Reference in the Constitution, those changes resulting from the removal of the Review Panel stage from the Corporate Complaints Procedure.**

(please also refer to minute no. 53 below concerning the Terms of Reference of the Committee)

53. **Terms of Reference and Composition of Wiltshire Council's Standards Committee**

At the last meeting on 24 September 2008, the Committee considered a report on suggested terms of reference of the Standards Committee of Wiltshire Council. Members of the Wiltshire district council standards committee had been invited to that meeting to participate in the discussion. The terms of reference were the subject of consultation with the Wiltshire district, town and parish councils.

The Corporate Standards Manager presented a report which included the responses from the consultation exercise and the Committee was invited to recommend its terms of reference to Council in light of the comments received. It was noted that the terms of reference of the Committee would be presented to Council via the Implementation Executive in the context of considering the constitution for Wiltshire Council.

The Corporate Standards Manager guided Members through comments from town and parish councils and from Salisbury and West Wiltshire District Councils together with her responses. Again, all district council standards committee members had been invited to attend this meeting to participate in the discussion on this item.

A discussion ensued on the terms of reference and in particular the composition of sub-committees. The Corporate Standards Manager advised that the Deputy Monitoring Officer had met with representatives of the DCLG when it was confirmed that any complaints submitted to district councils and not resolved before 1 April 2009 would where appropriate transfer to the Wiltshire Standards Committee for determination.

The Chairman explained that agreement on the terms of reference and composition would allow commencement of the recruitment process for both independent members and town and parish council representatives. An article to raise awareness amongst town and parish councils had been included in November's Parish Newsletter and an advertisement would be issued shortly in respect of independent members. Recruitment packs would be issued over the next couple of weeks to town and parish councils and existing independent members of the Wiltshire district council standards committees. The intention was to interview candidates during January 2009 and be in a position to recommend appointments to Council on 24 February 2009 and for those members to take up their posts from 1 April 2009 with preparatory training taking place beforehand. Mr Frost from West Wiltshire District Council suggested that district council experience particularly in dealing with complaints in respect of town and parish councils could be utilised in any training for Members.

Resolved:

That the Standards Committee

- (a) agree the terms of reference of the Standards Committee of Wiltshire Council as detailed in the Appendix to these minutes and**
- (b) recommend the necessary consequential changes to the draft constitution for Wiltshire Council.**

54. **Communities in Control: Real People, Real Power: Codes of Conduct for Local Authority Members and Employees – A Consultation**

The Committee considered a letter from the Department of Communities and Local Government which drew attention to a consultation exercise on reviewing the Code of Conduct for local authority Members. The Letter also drew attention to consultation on proposals to introduce a model code of conduct for local government employees. It was noted that the deadline for responses was 24 December 2008.

The proposals to review the Code of Conduct for Members centered mainly around seeking to clarify the Code in its application to Members' conduct when acting in a non-official capacity.

Details of the consultation document were presented for the committee's consideration with a view to formulating a response. In an effort to assist the Committee, the Corporate Standards Manager presented a suggested response for the Committee's consideration.

Resolved:

That Members wishing to add to or vary the suggested response as presented be asked to submit their views to the Corporate Standards Manager by 17 November 2008. The final response be submitted to the DCLG following consultation with the Chairman of the Committee.

55. **The Local Assessment Criteria**

The Committee received the report of the Deputy Monitoring Officer which sought approval of local assessment criteria for the assessment of complaints under the Members' Code of Conduct.

Guidance from the Standards Board for England recommended standards committees to develop criteria against which they would assess complaints under the Code of Conduct and determine what action, if any, to take.

Members commented that the Council should raise awareness of the Council's complaints procedure amongst organisations such as Citizens' Advice Bureaux, Age Concern and other similar organisations. The Council would also aim to provide reference points of who to contact for the different types of complaints.

Resolved:

That the Local Assessment Criteria as presented be adopted subject to an amendment at paragraph 1 – Relevance to change the emphasis from the types of complaints that would not be deemed relevant to the types of complaints that would be deemed relevant.

56. **Constitution – Progress Report**

For the Committee's information, a progress report on preparations for a new constitution for Wiltshire Council as considered by the Implementation Executive (IE) on 29 October 2008 was presented together with the subsequent minute of the IE.

The IE had noted the work being undertaken and timescales involved and that a draft constitution would be presented to it on 28 January 2009 for consideration. The IE had also agreed to establish a Focus Group as previously mentioned to the Committee when it was resolved to nominate Mrs McCord to the Group.

Resolved:

That the report be noted.

57. **Effectiveness of Whistleblowing Policy**

The Corporate Standards Manager presented a report which updated the Committee on the Council's Whistleblowing Policy in line with its remit to maintain an overview of the efficiency of the policy.

For the period since the last report to the Committee in April 2007, 15 concerns had been raised and logged as whistleblowing allegations with a further 2 having been raised since publication of the report. This was seen as evidence that the procedure was known and accessible to staff. KPMG, the Council's external auditors were satisfied that the policy was working properly.

The Corporate Standards Manager reported that it was not proposed to amend the reporting mechanism or the procedure, but anticipated increased numbers of investigations in proportion to the increased size of the Council would have an adverse impact on capacity. The Committee was advised that within the structure of the new Council, a Standards Team would be created and two full time Standards Officers would be appointed whose remit would include conducting investigations into whistleblowing allegations where appropriate.

Resolved:

(a) That the report be noted

(b) That without identifying the individuals concerned, a summary of the cases referred to in the report presented be circulated to Members.

58. **Standards Board for England (SBE) – 7th Annual Assembly**

It was noted that on the Committee's behalf, the Chairman and the Corporate Standards Manager attended the SBE's 7th Annual Assembly held between 13-14th October 2008.

For the Committee's information, informal notes prepared by the Chairman on his attendance together with the Conference Newsletter from the SBE were presented.

A Member took up a query raised in the Chairman's notes on whether or not this Council sponsored the Wiltshire Association of Local Councils. The Corporate Standards Manager undertook to raise this with the Head of Development Services who was working on proposals to strengthen links with town and parish councils. Details would be reported to the next meeting of this Committee via the Community Board Workstream.

Resolved:

That the reports be noted.

59. **Independent Members' Forum – 26 September 2008**

The minutes of the Independent Members' Forum held on 26 September 2008 were presented for the Committee's information.

It was noted with regret that the Standards Board for England had decided that it would no longer be represented at the regional assemblies.

Resolved:

That the minutes of the Independent Members' Forum dated 26 September 2008 be received and noted.

60. **The Committee's Work Plan**

The Committee was invited to review its work plan and identify items for inclusion in the agenda for the next two meetings in addition to the items already suggested.

Mr Frost gave an open invitation for Members to attend the next West Wiltshire District Council Standards Committee meeting to be held on 11 December 2008.

Resolved:

That the Work Plan be noted and that the following items be added to it:

21 January 2009 meeting

Training

Training proposals for the new committee to include skills training in respect of the local assessment regime and charring skills. To carry out an assessment of training needs and it was noted that Mrs McCord

representing the Committee and Mr Frost representing the district councils offered to assist with this.

Members' Induction Plan

Details of the Members' Induction Plan following the 2009 elections in so far as ethical governance issues were concerned.

Communications

61 **Urgent items**

None.

(Duration of meeting: 2.00pm – 3.55pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line (01225) 718024, e-mail yaminarhouati@wiltshire.gov.uk

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