

COUNTY COUNCIL
24 FEBRUARY 2009

**APPOINTMENT OF INDEPENDENT AND TOWN AND PARISH
REPRESENTATIVES TO THE STANDARDS COMMITTEE**

Purpose of Report

1. To advise Council of the need to increase the number of members of the Standards Committee of Wiltshire Council and to recommend the appointment of 6 independent members and 8 town and parish council representatives following the recommendations of an interviewing panel.

Background

2. When Wiltshire County Council and the four district councils in Wiltshire become a unitary authority on 1st April 2009, the present functions and responsibilities of the district councils will pass to Wiltshire Council. Wiltshire Council will assume responsibility for the Code of Conduct for members of the town and parish councils in its area. This has implications, both statutory and logistical, for the Standards Committee's terms of reference and composition.
3. The development of the Standards Committee's new terms of reference is incorporated in the draft Constitution for Wiltshire Council. This report refers only to the composition of Wiltshire Council's Standards Committee.
4. It is anticipated that the role and workload of the Standards Committee will increase significantly from 1st April 2009. The Committee will be responsible for making an initial assessment of complaints that the Members' Code of Conduct has been breached, reviews if the initial assessment is that there is no prima facie evidence of breach, and conducting hearings. The Committee will require 3 sub-committees in order to assess and determine these complaints:
 - a. An Assessment sub-committee to assess complaints;
 - b. A review sub-committee to review assessments if requested to do so by the complainant; and
 - c. A hearing sub-committee to conduct hearings into alleged breaches of the Code of Conduct
5. There is a statutory requirement that each of these sub-committees be chaired by an independent member of the Standards Committee.
6. Under the Standards Committee (England) Regulations 2008, where a council is responsible for parish councils, its Standards Committee must

have at least two members who are parish councillors who are not also members of the council. Further, at least one member of a parish council from the Council's area, who is not a member of the Council, must be present when allegations against parish councillors under the Code of Conduct are considered.

7. In order to comply with good practice, no member will serve on more than one of the sub-committees of the Standards Committee for any one allegation or set of allegations.
8. In order to determine the most appropriate size and composition of the Standards Committee, officers engaged in two waves of consultation. There is a statutory requirement for parish councils to be consulted on the number of town and parish representatives and their term of office for the unitary authority's Standards Committee. Although there is no similar statutory duty to consult the district councils, the district councils were also engaged in the consultation.
9. A seminar was held in January 2008 and was attended by members of the town and parish councils, the district councils, and the county council. Those attending were consulted about the issues and challenges facing the new council's Standards Committee, what they considered the values of the new authority should be, and what should be contained in the new committee's terms of reference. The outcomes of that Seminar are reflected in the draft amendments to the committee's constitution and terms of reference.
10. Further consultation was undertaken in October 2008. This took the form of a questionnaire and accompanying letter from Mr Shipman, Chairman of the Standards Committee. These were circulated to all town and parish councils in the October Parish Newsletter, and by letter to the Monitoring Officers of the district councils.
11. It is a statutory requirement to have the town and parish representatives in place on vesting day. The term of office of two of the existing independent members of Wiltshire County Council's Standards Committee will expire at the end of March 2009 and one member has given notice that he will have to stand down due to other commitments, which will leave only 2 independent members serving on the Committee. There will therefore be 6 vacancies to be filled on the Committee.
12. The recruitment and selection process for independent and town and parish representative members of the Standards Committee takes at least 6 weeks. After that, successful candidates need to be trained in order to be ready to take over any unresolved complaints from the district councils from 1st April 2009.

Main Considerations for the Council

13. The increase in members of the Council, combined with the Standards Committee's new statutory responsibility for assessing and determining allegations of breach of the Code of Conduct, means that the number of members of the Committee must be increased and will need to include, for the first time, town and parish representatives.
14. Taking into account the responses to consultation and statistical data from the Standards Board for England and the district councils, it is proposed to increase the total number of members of Wiltshire Council's Standards Committee to 22, broken down as follows:
 - a. 6 elected members of Wiltshire Council
 - b. 8 independent members
 - c. 8 town and parish representatives who may not be members of Wiltshire Council.
15. The new members of the Committee must be selected, appointed and trained before vesting day in order to be prepared to take over the existing complaints currently being handled by the district council's Standards Committees.
16. For that reason, the vacancies were advertised in December 2008. Interviews for the independent member vacancies took place in January/February 2009. There were 6 candidates the interviewing panel wish to recommend to Council for appointment as independent members of the Standards Committee. They are:
 - a. Mrs J Bayley
 - b. Mr M Cronin
 - c. Mr P Gill
 - d. Mr I McGill
 - e. Mr S Middleton
 - f. Mr G Robson
17. Interviews for the town and parish representatives are scheduled to take place on 13th February and 19th February, so the names of recommended successful candidates are not available at the time of writing this report. Details of town and parish representatives recommended by the interviewing panel will be made available to Members prior to the meeting.
18. The interviewing panel comprised Mr Keith Shipman, Chairman of the Standards Committee, Mr Jeff Osborn, Chairman of the Overview and Scrutiny Management Committee and Mr Rex Webb, Chairman of Wiltshire Compact.
19. Annual Council in June 2009 will be asked to appointed 6 elected members of the Council to the Standards Committee.

Environmental Impact of the Proposals

20. None.

Equalities Impact of the Proposals

21. The selection process was rigorous and weighted towards candidates who were able to demonstrate a good understanding of the principles and practice of equalities. However, the interviewing panel noted that the candidates do not appear to reflect the diversity of Wiltshire's population. One of the panel members who has specific skills in the field of equality and diversity has volunteered to help with future advertising and publicity of Standards Committee vacancies in order to remedy this deficit.

Financial Implications

22. There are currently 5 independent members on the Standards Committee. The appointment of 3 additional independent members to the Committee will result in an increase in members' allowances of £6030.00 per annum.
23. Members are referred to the report on Members' Allowances at agenda item number 35 which includes the recommendations of the Independent Remuneration Panel in so far as it concerns payment of allowances to town and parish representatives.

Legal Implications & Risk Assessment

24. Covered in the body of the report.

Proposals

1. To increase the total membership of the Standards Committee to 22, consisting of 6 elected members of Wiltshire Council, 8 independent members, and 8 town and parish representatives who are not members of Wiltshire Council.
2. To approve the appointment of Jane Bayley, Michael Cronin, Philip Gill, Ian McGill, Stuart Middleton and Gerry Robson as independent members of the Standards Committee.
3. To appoint 8 town and parish council representatives on recommendation of the interviewing panel, details of which will be provided to Members prior to the meeting.

**STEPHEN GERRARD – SOLICITOR TO THE COUNTY COUNCIL AND
MONITORING OFFICER**

Report Author: Nina Wilton, Corporate Standards Manager
Appendices: None