



STANDARDS COMMITTEE

MINUTES of a MEETING held at COUNTY HALL, TROWBRIDGE on TUESDAY 24TH JUNE 2003.

PRESENT: Mr RL Tickell (Chairman), Mr PCB Coleman and Mr GA Thompson.

44. **Membership** The Director of Corporate Services reported the membership of the Committee.

45. **Minutes of Previous Meeting**

Resolved: To confirm and sign the minutes of the meeting held on 8 May 2003.

46. **Apologies**

Apologies for absence were received from Mr A Gooch, Mr P McGuigan and Mrs P Rugg.

47. **Chairman's Announcements**

- (i) **Standards Board Conference**

The Chairman reported that Mr Gooch and 2 officers had recently attended a Standards Board Conference in Birmingham which had been very informative. Mr Gooch had agreed to write a short report on the Conference which would be circulated to members.

- (ii) **Ombudsman**

The Chairman reported that a member of staff from the Ombudsman's office would be attending the Standards Committee meeting on 9th October.

- (iii) **CIPFA Conference**

The Chairman announced that there would be a CIPFA Conference in Bristol on 17th July. If any member wished to attend they should contact the Monitoring Officer.

48. **Recommendations to Council – Constitutional Review**

Members of the Committee discussed the recommendations they wished to put forward to the Council following the review of the Constitution which they had undertaken over the past few months.

Resolved: To put forward the following observations and recommendations for consideration by the County Council:

- (1) The Standards Committee notes the findings of the report commissioned by the council from Market Research UK Ltd, and draws these to the attention of Council. The findings of the report are consistent with national research that has been carried out to determine the effectiveness of new local government constitutions established under the Local Government Act 2000.*
- (2) The Standards Committee does not consider that there is any need for fundamental constitutional change in order to address the issues that have been identified in the research. It notes that the Council's options in constitutional terms are restricted by the provisions of the Local Government Act 2000.*

Minor amendments

- (3) The Standards Committee has received a number of reports relating to minor constitutional amendments. These have arisen as a result of statutory requirements, or have been proposed in order to make the constitution more easily used – e.g., amendments to numbering and tabulation, or the inclusion of widely used protocols. These amendments have been incorporated into the copy of the constitution that accompanies the report to County Council, and the Standards Committee recommends that Council adopt these amendments.*
- (4) In the light of consultation undertaken in the course of the constitutional review, the Standards Committee recommends Council to consider the following suggestions, which it considers may address the concerns identified by the research and consultation:*

Back bench members and decision making

The Standards Committee:

- (a) notes that back bench members feel that they have fewer opportunities for involvement in decision making available to them under the new constitutional arrangements. This is consistent with national findings;*
- (b) welcomes the developments in the role and work of the Overview and Scrutiny Committees and their Task Groups, and the favourable comments made about these developments by the Improvement and Development Agency and by INLOGOV;*

- (c) considers that the present Constitution makes adequate provision for further development of the Overview and Scrutiny function, particularly in the area of policy development. It considers that such development would provide back bench members with increasing opportunities for involvement in Council governance;*
- (d) considered at length the allocation of the chairs of the Overview and Scrutiny Committees to the opposition. The Committee found the arguments to be finely balanced, but took the view that overall the qualities of the individuals holding the chairs are more important than their political persuasion. For that reason, the Standards Committee does not consider that the chairs of the Overview and Scrutiny Committees need to be allocated to the opposition as of right. It considers that members of all parties have opportunities within the existing arrangements to contribute fully to the work of the Overview and Scrutiny Committees.*

The role of members as community leaders

The Standards Committee:

- (e) recognises that most members are already involved with their communities but notes that one of the intentions of the Local Government Act 2000 was to further enhance the role of members as community leaders and that training opportunities have been provided to members to support them in developing this role. It urges them to make full use of the training that is available;*
- (f) urges all members to familiarise themselves with the constitutional channels available to them for raising issues of local or general concern;*
- (g) welcomes the work being undertaken by the council in developing its community planning capacity and anticipates that this development will have a significant positive impact on the opportunities available to members to act as leaders in their communities;*
- (h) wishes to receive reports on how this area is developing, with a particular emphasis on the involvement of back bench members.*

Advisory Panels

The Standards Committee:

- (i) notes that Advisory Panels have no statutory basis, but that they are used in Wiltshire to provide a means of consultation prior to decision making;*
- (j) suggests Council considers the possibility of establishing an Advisory Panel to match the business of the former Policy and Resources Committee.*

Information for back bench members

The Standards Committee:

- (k) *notes that some back bench members feel that they are not receiving adequate information about the work of the council, but urges members to take advantage of:*
- *the Media and Information Protocols;*
 - *briefings from Chief Officers and the Chief Executive on major issues.*
- (l) *suggests that the following opportunities might be developed to inform members further:*
- *pre-council seminars, led by chief or senior officers, to brief members on agenda items of particular importance;*
 - *briefings by cabinet portfolio holders to provide members with information about issues within their remit.*

Meetings of full Council

- (m) *The Standards Committee notes that the research indicated a level of dissatisfaction about the role of the full Council meeting within the new constitutional arrangements, and suggests:*
- *incorporating the Chairman's Protocol on the arrangements for dealing with notices of motion into the Constitution;*
 - *voting for the positions of Chairman, Deputy Chairman and Leader of the Council by a show of hands, rather than by secret ballot*
 - *holding the State of Wiltshire debate as a separate meeting of full Council, and inviting participation in the debate from the wider community;*
 - *balancing the content of Council agendas in order to enable fuller and more focussed debate on important topics, and holding one or more additional Council meetings a year;*
 - *holding seminar style meetings led by chief officers to supplement existing council meetings, and using these to inform members about major decisions such as statutory and strategic plans to be debated in full Council,;*
 - *consider permitting senior officers to speak in order to clarify issues that are raised in debate, with the clear understanding that any officer involvement be limited to matters of fact only.*

Public involvement

(n) *Members of the public expressed dissatisfaction about the procedures for public questions. The Standards Committee recommends Council to consider:*

- *taking public questions immediately before the agenda item to which they relate;*
- *increasing opportunities for public debate;*
- *how questions from the public might be answered in a fashion that appears less “scripted” and more immediate.*

The Standards Committee notes that steps have already been taken to increase public involvement and participation, in particular the communications review and the development of community planning. The Standards Committee will ask officers to report on the impact such strategies have had upon public involvement.

Minutes of council meetings and of notes of advisory panel meetings

(o) *The Standards Committee recommends Council to consider whether fuller minutes and notes of meetings that reflect the full range and tone of debate might serve to increase the public’s perception that local government is transparent and considered in its decision making.*

49. Election of Chairman, Vice-Chairman and Leader of the Council

The Committee considered a report by the Monitoring Officer which set out a proposed procedure for the election of the Chairman, Vice-Chairman and Leader of the Council.

Resolved: To recommend the County Council to adopt the revised procedure attached as an appendix to the report.

50. Review of Constitution – Further Changes to Provisions on Staffing

The Committee considered a report by the Monitoring Officer which set out a proposed change to the provisions on staffing in Part 3 of the Constitution.

Resolved: To recommend the County Council to adopt the further revisions to Part 3 of the Constitution as shown in the draft attached to the report.

51. Review of Constitution – Scheme of Delegation to Officers and Part 4 – Rules of Procedure

The Committee considered a report by the Monitoring Officer advising members of the action being taken in respect of the remaining parts of the review.

Resolved:

- (1) To recommend that no changes be made to the Executive Procedure Rules, save that the word “Cabinet” is substituted for “Executive”, in line with the rest of the proposed revisions to the Constitution.*
- (2) To note the work that is being carried out on the Scheme of Delegation to Officers, the Budget and Policy Framework/Financial Procedure Rules/Financial Regulations and Contract Regulations.*
- (3) To recommend that the revised documents are submitted to the Council for approval as soon as practicable.*
- (4) To request a further report confirming completion of this work.*

52. Protocols to be incorporated in the Constitution

Members noted that certain protocols adopted by the County Council, such as the media protocol, information protocol, the monitoring officer’s protocol and the protocol for advisory panels would be included as a separate section within the Constitution.

53. Wiltshire Health Scrutiny Committee – Terms of Reference

Members noted that the draft terms of reference for the new Wiltshire Health Scrutiny Committee were currently being considered by the Council’s partner organisations for health and social services provision. The Standards Committee would receive the terms of reference when they have been approved and recommend the Council to incorporate them into the Constitution as required by statute.

54. Local Investigation and Determination of Misconduct Allegations

The Committee considered a report by the Monitoring Officer updating members on the implementation of arrangements for the local investigation and determination of councillor misconduct allegations. The first set of regulations would come into effect on 30th June 2003 and the first referrals were likely to begin in September 2003. Guidance for the Standards Board should be available by the end of June 2003.

Resolved: *To note the latest developments in the implementation of the framework for local investigation and determination of complaints and that training for members of the Committee will be arranged once the guidance from the Standards Board is available.*

55. Membership of Standards Committee

Members discussed whether there was a need for an additional elected member to sit on the Standards Committee. It was felt that substitution arrangements would not be appropriate as the Committee dealt with specific issues for which some level of specialist knowledge and experience was needed. On balance members felt that the existing membership should continue for the time being.

56. **Annual Report**

Members discussed the format for the Annual Report to be published in the Autumn. The Chairman asked each member to provide a few details about themselves for inclusion in the report. It was also proposed that each member would write a few paragraphs on one of the items listed in the suggested plan.

57. **Urgent Item - Corporate Complaints Review Panel Arrangements**

The Committee considered a report by the Monitoring Officer which set out some proposed amendments to the Corporate Complaints Procedure concerning the arrangements for hearings of the Review Panel under Stage 3.

Resolved: To take no action on the proposals but to continue to monitor the ability to comply with the time limit for convening meetings of the Panel at Stage 3 of the Procedure.

(Duration of meeting: 3.00pm – 5.05pm)

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