



STANDARDS COMMITTEE

MINUTES of a MEETING of the STANDARDS COMMITTEE held at COUNTY HALL, TROWBRIDGE on WEDNESDAY 4 JULY 2007.

PRESENT:

Independent Members – Mrs C O’Sullivan, Mr Shipman and Mrs McCord

Members of the Council – Mrs P Rugg and Mr M Hewson

34. **Election of Chairman**

On being proposed and seconded and there being no other nominations, it was

Resolved:

That Mrs Catherine O’Sullivan be elected Chairman of the Standards Committee for 2007/08.

35. **Election of Vice-Chairman**

On being proposed and seconded and there being no other nominations, it was

Resolved:

That Mr Paul Lefever be elected Vice-Chairman of the Standards Committee for 2007/08.

(Note: The Chairman advised that whilst Mr Lefever was not present, he had consented to being nominated).

36. **Apologies**

An apology for absence was received from Mr Lefever

It was noted that Group Leaders had been invited to attend this meeting in respect of the item referred to at minute no. 42 below but had tendered their apologies due to prior engagements.

37. **Minutes of Previous Meeting**

Resolved:

To confirm and sign the minutes of the meeting held on 18 April 2007.

38. **Matters Arising from the Minutes**

Minute No. 18 (c) Induction Programme for new Independent Members

It was noted that work on this was progressing.

Minute No. 19 (b) – Link to the Intranet for Independent Members

Members commented that they were still unable to access the Council's intranet. The Principal Democratic Services Officer agreed to look into this.

Minute No. 19 (d) – The Sixth Annual Assembly of Standards Committees – 15 – 16 October 2007

It was agreed that the Chairman, Mrs O'Sullivan would attend the Assembly on the Committee's behalf.

39. **Chairman's Announcements**

Mr Peter McGuigan and Mrs Isobel McCord

The Chairman wished to place on record her thanks on the Committee's behalf to Mr Peter McGuigan, the former Chairman of this Committee for all his hard work during his chairmanship and membership of the Committee. It was noted that the Chairman of Council had sent a letter of thanks to Mr McGuigan and the Committee agreed that a letter of thanks be sent from this Committee also.

The Chairman welcomed Mrs Isobel McCord to this her first meeting of the Standards Committee following her appointment by the Council on 8 May 2007.

Questions on the Report of the Police Authority

The Chairman referred to concerns that had been raised at the last meeting of Council over Members not being able to raise questions on the report of the Police Authority. This was due to the lateness of receiving the report from the Police Authority and the constitutional requirement for Members to

give 5 days notice of questions. The Police Authority had now agreed to a timetable for when it provided its report to the Council for circulation to Members in sufficient time to be able to submit a formal question at the Council meeting within the permitted timescale. So far, this arrangement was working. The Chairman would monitor the situation.

40. **Members' Interests**

No interests were declared.

41. **Public Participation**

None.

42. **Review of Arrangements for Involvement of Members in the Decision Making Process.**

The Committee gave further consideration to the review following the adoption of the Committee's recommendations at its last meeting by Council on 8 May. One of the recommendations related to the preparation of an Action Plan to further progress the review.

Accordingly, the Head of Democratic and Member Services presented an Action Plan for the Committee's consideration from which it was noted that some work had already started to respond to the outcomes of the workshop held in March. It was accepted that some outcomes should be considered in the context of One Council for Wiltshire and therefore should await the Government's announcement expected in July.

The Head of Democratic and Member Services reported that some of the main areas which would require input by Cabinet members had received support in principle at the Cabinet Liaison Group the previous week. Cabinet members were keen to emphasise that their involvement should be on matters of policy rather than specific issues.

He updated the Committee on further work he had undertaken since publication of the Action Plan which was seen as a continually evolving document.

He drew the Committee's attention to an item on the Council agenda 'Cabinet Business' which as well as asking Cabinet members to update Council on what had been happening in their respective portfolios, would now ask them to highlight any significant forthcoming issues. Cabinet members had also agreed for the Cabinet Forward Work Plan to be presented to Council in an effort to raise awareness of significant forthcoming items. This could trigger requests to hold seminars on major topics highlighted within the Forward Work Plan. Members could also suggest topics for seminars via a link on the Members' web page.

Information to Members was being improved by pooling together the streams of information which would be posted to the dedicated web page for Members. The Scrutiny Committee would be having a development day to investigate how it could be more proactive and improve the way it dealt with issues raised by Members and the implications of the Bill on Stronger Prosperous Communities.

Resolved:

That an updated Action Plan be presented to the Committee in the New Year.

43. **Proposed Amendments to the Constitution**

The Committee considered the following proposals which if agreed would require consequential changes to the Constitution.

(a) **New Code of Conduct for Members**

The Deputy Monitoring Officer presented a report on the new Code of Conduct. Following extensive consultation, the Government had introduced a new statutory Code of Conduct for Members which came into force on 3 May 2007. Authorities had until 1st October 2007 to adopt the Code and whilst authorities could adapt it by adding to it, they could not delete any of its provisions. Failure to adopt the Code by this date would mean that the Model Code of Conduct would apply.

The report drew attention to some of the key differences between the new Code and the existing one and advised on the adoption of the new Code.

As a prelude to this discussion and Council being recommended to adopt the new Code, briefing sessions on the differences between the old and new Codes had been held on 28 and 29 June for all members and co-opted members of the Council. The Committee was disappointed to note that given the importance of the document, only 23 members of the Council out of 49 had attended one of the briefing sessions. In addition, 4 co-opted members had attended. The Committee requested that further training be provided if possible by way of interactive training. The Committee requested that a letter be sent thanking the Members who attended the briefing sessions and urging those who did not, to attend future training sessions emphasising the importance of being made aware of the provisions of the new Code. Officers were asked to contact the Standards Board for England and suggest that the Board consider producing interactive training on the Code's provisions.

The Committee's attention was drawn to comments received from Mr Newbury which stated that in his opinion, the new Code still

contained uncertainties. An example given was the lack of clarity over the definition of what constituted 'bullying'.

Officers advised that the new Code be adopted without any alteration save only that it includes a preamble outlining the 10 General Principles governing the conduct of Members, as recommended by the Standards Board.

A copy of the proposed Code including the preamble was presented for the Committee's consideration.

It was noted that the adoption of a new Code would necessitate Members completing a new form for the Register of Interests which would now include details of gifts and hospitality over the value of £25 together with their source within 28 days of the Code's adoption. In order to assist members in meeting this requirement, bearing in mind the summer holiday period, it was suggested that Council be recommended to agree that the new Code should become effective from 1st September 2007.

Resolved:

To recommend Council (on 10 July 2007):

(i) to adopt the model Code of Conduct without amendment, save for the inclusion of a preamble outlining the 10 general principles of conduct.

(ii) to agree that the new Code should take effect from 1 September 2007.

A copy of the Code of Conduct as recommended would be circulated to all Members prior to the County Council meeting on 10 July 2007.

(b) The Local Government and Public Involvement in Health Bill – Increasing the Size of the Standards Committee

The Corporate Standards Manager presented a report which set out the implications as far as this Committee was concerned of the above mentioned Bill. Part 9 of the Bill made provision for the devolvement of most of the decision making on the conduct regime for local authority members from the Standards Board for England (SBE) to local authorities. The SBE would have a regulatory role to monitor the review of cases and decisions reached.

The current size of this Committee reflected its current workload. To undertake the task of acting as a local filter for complaints, potentially 3 separate panels of 3 members would be required, one to firstly conduct the filtering process, one to conduct a review of a decision by the original panel to take no action on the complaint if requested,

and one to then conduct a hearing. Those involved in the filtering process should not be further involved in the case.

The Committee was therefore asked to recommend to Council increasing the size of the Committee from 6 to 9 with the appointment of an additional member of the Council and two additional independent members. At the time of recruiting the last independent member in April 2007 and conscious of the need to increase the Committee's membership in the near future, the appointing Panel made a reserve list of two people whom they considered suitable for the position of independent member on the Committee. One was Mr Peter McGuigan, the former Chairman of the Committee. The other was Mrs Linda Liptrott. The Chairman who had served on the Panel was able to recommend both to the Committee.

Resolved:

To recommended to Council (on 10 July 2007):

- (i) That the Standards Committee increases its membership from 6 to 9 with the appointment of one additional elected member and two additional independent members, namely Mr Peter McGuigan and Mrs Linda Liptrott.**
- (ii) That the consequential amendments to the Constitution to reflect the size and added remit of the Committee be adopted.**

(c) Revised Grievance Procedure

The views of the Standards Committee were sought on consequential amendments to the Constitution following the Staffing Policy Committee's approval on 27 June to amend the terms of reference of its Sub-Committees. Such amendments would enable them to deal with grievances from Chief Officers and comply with statutory requirements.

Details of the report considered and the amendments proposed by the Staffing Policy Committee were presented. The recommendation of the Staffing Policy Committee would be put before Council on 10 July 2007.

Resolved:

That no objections be raised to the recommendation to Council by the Staffing Policy Committee on its proposed amendments to the Constitution.

44. **Draft Annual Report of the Standards Committee**

The draft Annual Report of the Standards Committee for 2006/07 from Mr Peter McGuigan, the then Chairman of the Committee was presented for approval. Once approved, the Report would be published in the normal way.

Resolved:

That the Annual Report for 2006/07 be approved for publication.

45. **Draft Statement on Internal Control 2006/07**

The Deputy Monitoring Officer presented the draft Statement on Internal Control for the Committee to consider in so far as any ethical governance issues were concerned. He referred Members to the relevant paragraphs of the Statement, which defined the role of the Standards Committee as part of the Council's internal control framework, and summarised the key areas of work undertaken by the Committee during the relevant period.

The Statement had been considered by the Final Accounts and Audit Committee on 28 June and the report to that Committee was presented for information. The Statement would also be considered by Cabinet before being presented again to Final Accounts and Audit Committee for final approval in September 2007.

Resolved:

That the Statement on Internal Control for 2006/07 be noted.

46. **Review of Governance and Reporting Structure**

The Corporate Standards Manager presented a report previously considered and approved by the Final Accounts and Audit Committee on 28 June. The report detailed the outcome of consultations on the governance and reporting structure and recommended changes to the structure in the light of the consultations findings.

The matter had been brought to the attention of this Committee as it had previously asked for this work to be undertaken to avoid any confusion over the reporting structure. It was noted that the document formed part of the Constitution as a Protocol.

Resolved:

That the revisions to the reporting structure on governance issues be noted.

47. **Local Government Ombudsman Complaints – Status Report**

The Committee considered a report by the Monitoring Officer. The report provided an update and case summaries on the Local Government Ombudsman complaints which the Council had dealt with and resolved, during the period between January and June 2007.

Resolved:

That the report be received and noted.

48. **Adjudication Panel Case**

The Corporate Standards Manager presented a summary of a case dealt with by the Adjudication Panel. She also presented details of guidance from the President of the Adjudication Panel on decisions to be made by a Case Tribunal where a respondent had been found to have failed to comply with a Code of Conduct.

The Committee agreed that this was an interesting case and that the guidance was very helpful.

Resolved:

That the report be received and noted and that the guidance from the President of the Adjudication Panel as presented be circulated to Panels considering hearings on complaints.

49. **Notes of the Independent Members' Forum**

The Committee received notes of the meeting of the Independent Members' Forum held on 20 April 2007 attended by Mr Shipman and Mr McGuigan. Mr Shipman reported that it had been a very interesting session which included a good briefing session from the Local Government Ombudsman.

Resolved:

That the notes of the Independent Members' Forum held on 20 April 2007 be received and noted.

50. **Attendance at the Standards Board Roadshow – 26 June 2007**

The Chairman reported on her attendance at the Standards Board Roadshow on 26 June which was also attended by Mr Lefever.

The following areas covered were of particular note:

- a presentation on the new Code of Conduct paying particular attention to personal and prejudicial interests. It was noted

that the new Code contained a provision whereby a member would be able to speak at the outset on a matter where they had a prejudicial interest so long as members of the public were also permitted to speak and then withdrew after speaking.

- what constituted bias and predetermination and the Deputy Monitoring Officer gave further clarification to the Committee on these issues.
- practical considerations by standards committees following local government reorganisation which was particularly important given this Council had made a bid for unitary status. The Corporate Standards Manager undertook to bring a report to the Committee detailing the matters this Committee should consider in the event of the bid being successful.
- the revised role of the Standards Board for England (SBE) in auditing and monitoring complaints heard and decided by councils following the devolvement of this role from the SBE to local authorities.

(Duration of meeting: 2.30pm – 4.08pm)

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