

Appendix 3

Dear Tim

Re: West Wiltshire District Council's Response to the Consultation on Terms of Reference for the Wiltshire Council Standards Committee

Thank you for sending me your Standards Committee's response to the consultation on the new committee's Terms of Reference. These are addressed in a report that I will be bringing to the County Council's Standards Committee when they meet on 10th November.

Your committee raised a number of issues that are not directly related to the Terms of Reference, and I thought that it would be helpful to give a written response that you could circulate to them. For the sake of clarity, I will address the concerns and questions they raised, through you, in the order in which you put them in your response document.

The Committee was disappointed that the existing WCC Standards Committee would continue into the new council. This was seen as undemocratic and possibly unconstitutional. An opportunity for a fresh start would be missed.

Wiltshire County Council is a continuing authority. Its independent members were appointed by means of a competitive, open and transparent selection process which we believe to be robust and to represent best practice. This has resulted in the appointment of high quality independent members whose track record can be demonstrated by the high standards of ethical compliance evidenced by members and staff of the County Council. The benefits of a fresh start are outweighed by a degree of continuity from a committee that has significant experience. Their continuation in office is neither undemocratic nor unconstitutional. We will, however, be appointing new members to supplement the existing independent membership, using the same open selection process.

The Committee was unhappy with its level of involvement in the considerations for the new arrangements. It believed that a further seminar had been promised at which detailed proposals would be discussed.

I am sorry that Committee members did not feel sufficiently involved. When the seminar was held in January this year, the transition arrangements were at a very early stage. Pressure on officer time to achieve a smooth transition has been very significant indeed. Since January, when the first seminar was held, it has been made clear that Wiltshire County Council is to be a continuing authority. This has meant that although we will consult with the District Councils, and indeed, have done so with regard to the terms of reference and composition of the committee, we have also needed to ensure that we focus our very limited capacity on ensuring that the basic provisions are in place, and it has been County Council officers who have had to lead on this. However, our intention has always been to keep the district councils fully informed and engaged in this process. Having seen the responses to the consultation, I am not convinced that had we had such a seminar, its outputs would have been significantly different from the responses we have received through this consultation process.

Members were particularly concerned that the existing WCC Standards Committee would not be equipped to deal with complaints in the period April to June 2009. Would Town and Parish Councillors be appointed for this period and, if so, how? Some existing District complaints may unavoidably run over into this period.

The answer to this question is not one that I am able to provide. We have raised this, and other related transitional arrangement concerns, with the DCLG. Only they are in a position to respond. However, members are assured that we share their concerns, and are pressing for a response.

It was suggested that one way to overcome these difficulties would be to co-opt the existing Chairs of the District Standards Committees and some experienced Town/Parish representatives onto the new committee from 1 April 2009.

We await DCLG guidance regarding interim arrangements. We do not believe that we should pre-empt their response by co-opting members to the Committee. In order to avoid the perception that appointments to the Standards Committee may be undemocratic or unconstitutional, we will be embarking upon an open recruitment process to ensure that we have adequate and suitable independent and town/parish representation on the committee from June 2009.

Wiltshire County Council has always operated an open and competitive appointments process for independent members of the Standards Committee, and this will apply to candidates for Wiltshire Council's Standards Committee. The vacancies for independent members will be advertised in Wiltshire papers and in other publications. Those expressing an interest will be sent an application form, a job description and a person specification. Candidates will be shortlisted and interviews will be conducted, with success criteria to be determined by "fit" with the person specification and job description. Candidates who are able to demonstrate experience in receiving and determining complaints of breach of the Members' Code of Conduct will clearly have an advantage, and to embedding a culture of sound ethical governance. All existing independent members of District Council Standards Committees will be sent a recruitment pack.

We have always received high numbers of good quality applications for the post of independent members of Wiltshire County Council's Standards Committee, and we anticipate that we will not be able to appoint all the existing District Council independent members.

A letter will be sent to parish councils via their parish clerks inviting nominations for parish representatives. The same job description and person specification will be used and the same selection process will be used.

We anticipate beginning the recruitment process towards the end of 2008.

A suggestion of detail on the proposed constitutional wording was that, in relation to the appointment of sub committees, the wording should specify that the committee will appoint three sub committees rather than may.

Agreed. This will be put to the Standards Committee in my report for 10th November.

We are anxious to understand what interim arrangements will be agreed to manage the period between the demise of the District Councils' Standards Committees and the formation of the Wiltshire Council Standards Committee.

The Wiltshire County Council Standards Committee will continue to function with its present remit and composition. As explained, we need guidance from the DCLG with regard to any other interim arrangements that may be required. However, we do not consider it to be appropriate to co-opt independent members to the committee. The timetable for the recruitment and selection of independent members will ensure that suitable members have been identified prior to April 09, and their early appointment would be subject to the DCLG's response.

We are interested to learn with whom the final decision rests on the development and agreement of standards procedures in the new council. Is it Wiltshire County Council or a joint decision between the County and District Councils? We recognise, of course, that the final Standards Committee TORs and Procedures will be agreed by the new council.

Because Wiltshire County Council is a continuing authority, the final decision rests with the County Council, save that it may be amended by the new membership of Wiltshire Council after the elections have taken place. However, we have consulted on the development of the

Terms of Reference for the new committee and responses have been taken into account. The procedures for assessing and hearing complaints are being developed by a joint working group of lawyers drawn from all 5 councils in Wiltshire.

“The Standards Committee has the Power to appoint such sub-committees as may from time to time be necessary for the efficient discharge of its functions. In particular, the committee will, annually, elect an independent member to chair, and appoint members to serve on an:

- a. Assessment sub-committee**
- b. Review Sub-committee**
- c. Hearing sub-committee**

whose role will be to consider, as appropriate, complaints into alleged breaches of the Code of Conduct.

Members will normally only be allowed to serve on one sub-committee but in exceptional circumstances members of the Assessment sub-committee may serve on the Hearing sub-committee.

Members of the Review sub-committee may not serve on any other sub-committee dealing with the same or linked complaints”.

This will form part of the report to the Standards Committee to be considered on 10th November.

May I thank your committee members for taking the time to consider and respond to the consultation, and I apologise that they have been disappointed with the level of engagement they feel they have been afforded with regard to input to the draft Terms of Reference.

Yours sincerely

Nina Wilton
Corporate Standards Manager
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