

STANDARDS COMMITTEE
10 NOVEMBER 2008

**TERMS OF REFERENCE AND COMPOSITION OF WILTSHIRE COUNCIL
STANDARDS COMMITTEE – OUTCOME OF CONSULTATION**

Purpose of Report

1. To advise members of the Standards Committee of responses to consultations regarding the proposed Terms of Reference for Wiltshire Council's Standards Committee.

Background

2. In order to meet the increased workload that is expected when Wiltshire County Council and the four district councils in Wiltshire become a unitary authority in April 2009, officers have drafted new terms of reference for Wiltshire Council's Standards Committee.
3. The Terms of Reference were drafted having regard to feedback provided by District and Parish Council representatives who attended a seminar on the new council's Standards Committee in January 2008.
4. Wiltshire Council will assume responsibility for the members' Code of Conduct as it relates to parish councils in April 2009. 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 consultation papers were also sent to them.
5. The consultation with town and parish councils took the form of a questionnaire and accompanying letter from Mr Shipman, Chairman of the Standards Committee which were circulated to all town and parish councils in the October Parish Newsletter. A copy of the letter and questionnaire are attached at **Appendix 1** for the Committee's information. Not all parishes meet on a monthly basis and this has meant that they have not all had the opportunity to consider their response at a parish council meeting.

The Responses

6. A number of responses have been received. The responses from the parish councils have been collated into a matrix which appears at **Appendix 2** to this report.

There are few salient points that emerge consistently from the parish council responses. However, there was a majority view that parish councillors should

be appointed to the Standards Committee for a term consistent with their term of office, i.e. 4 years. Members are therefore asked to consider, in the light of representations from the parishes, what the appropriate term of office for parish representatives should be. A term of office of 2 years would have the advantage of allowing parish representatives to build up experience, but would allow for a better rotation of membership. This was the second most favoured option in the parish responses.

7. There were consistent expressions of a need to establish a geographic spread of parish representatives. Members of the committee are asked to consider this against the likelihood that in the event of a complaint being brought against a parish councillor, most of the parish representatives would need to be involved in at least one sub-committee, thus undermining the value of appointing using geographical considerations as a determining factor. Members are also asked to consider whether the need to recruit based on suitability for the role, using the job description and person specification, should outweigh geographical considerations.
8. There was a range of suggestions made about the selection procedure for parish representatives. However, it is recommended that the existing selection and appointments procedure for independent members be used in the recruitment of parish council representatives because it affords good transparency and accountability of process, which is an important factor in a body that exists to promote probity.
9. Two district councils responded to the consultation. They made the following general comments about the draft Terms of Reference:
 - We welcome the “broad” remit of the new Standards Committee to enable it to deal with a wide number of issues affecting both members and administration (West Wiltshire District Council)
 - While the Committee believes that the proposed terms adequately describe the role members would wish to see the Wiltshire Council standards committee carry out there is no information so far about how a pro-active approach would be adopted and the profile of the new committee raised or for example how it is proposed to give effect to, ‘promoting and maintaining high standards of conduct by elected members, co-opted members and church and parent governor representatives and officers’. (Salisbury District Council)
 - The Committee believes that the proposed size of the new committee provides an appropriate balance between elected members, parish councillors and independent members and supports the proposal that no cabinet member should sit on it. (Salisbury District Council)
10. In addition to these general comments relating to the terms of reference, the two district councils who responded to the consultation proposed the following detailed amendments to the terms of reference:

- The new committee will have responsibility for parish matters but this appears to be implicit in the terms of reference (ToR) as currently drafted. The Committee believes that it would be appropriate to follow the Salisbury arrangement and add to the ToR, “The exercise of the Committee’s functions in relation to the parish councils wholly or mainly in its area and the members of those parish councils”. (Salisbury District Council)
- We would suggest that Appendix 2 Standards Committee, paragraph on sub-committees, be amended as follows:

“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”. (West Wiltshire District Council)

11. In addition to responding to the consultation on the terms of reference, both district councils made further observations which, while not a direct response to the consultation before them, do have a direct bearing on the Standards Committee. The Corporate Standards Manager has responded by letter to the Monitoring Officers at each of the district councils concerned addressing each of the points that were raised in their responses. Copies of the district councils’ responses to the consultation, with observations, and the Corporate Standards Manager’s response to each, are shown at **Appendix 3** to this report for the Committee’s information.

Environmental Impact of the Proposals

12. None

Risk Assessment

13. There is no risk attached to the proposals made in this report.

Financial Implications

14. None

Proposals

15. To incorporate the following amendments suggested by West Wiltshire District Council and Salisbury District Council into the draft Terms of Reference for the Wiltshire Council Standards Committee:

- ✓ “The exercise of the Committee’s functions in relation to the parish councils wholly or mainly in its area and the members of those parish councils”
- ✓ “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
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Members of the Review sub-committee may not serve on any other sub-committee dealing with the same or linked complaints”.

16. To recommend the necessary consequential changes to the draft constitution for Wiltshire Council

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The following unpublished documents have been relied on in the preparation of this Report:

None

- Appendix 1 - Letter from Chairman and Questionnaire
- Appendix 2 - Parish Council responses
- Appendix 3 - letter from Corporate Standards Manager and responses from Salisbury and West Wilts DC’s