



STANDARDS COMMITTEE

MINUTES of the STANDARDS COMMITTEE held at COUNTY HALL, TROWBRIDGE
on WEDNESDAY 18 MARCH 2009.

PRESENT:

Independent Members - Mr KR Shipman (Chairman), Mrs I McCord,
and Mrs C O'Sullivan

Members of the Council - Mr E Clark, Mrs P Rugg and Mrs M White

Also in attendance:

Newly appointed members of the Committee who will take up their posts on 1 April
2009.

14. Apologies

Apologies for absence were received from Mr P McGuigan and Mr P Lefever.

The Chairman welcomed the newly appointed independent members and town
and parish council members to the Committee who had been invited to attend
this meeting as observers for first hand experience of how the Committee
operates.

15. Minutes of Previous Meeting

Resolved:

To confirm and sign the minutes of the meeting held on 21 January 2009.

16. **Announcements from the Chairman**

(a) **Thanks to Members**

This being the last meeting of the Committee under Wiltshire County Council, the Chairman took the opportunity of thanking those who would cease being members of the Committee at the end of March 2009. The Chairman paid tribute to the hard work and dedication of Mrs Catherine O'Sullivan who had chaired the Committee during 2007-2008 and Mr Paul Lefever as her Vice-Chairman and Mr Peter McGuigan who had previously indicated that he would stand down due to work commitments who had chaired the Committee from 2005-2007. It was noted that Annual Council in June 2009 would be asked to appoint 6 elected members to the Committee and the Chairman paid tribute to the hard work and dedication of the existing elected member representatives namely, Mr Malcolm Hewson, Mrs Margaret White, Mrs Pat Rugg and Mr Ernie Clark.

(b) **Training**

The Chairman referred to the training session held that morning on the Code of Conduct for Members and reminded members that a further day of training on the role and function of the Committee and the local assessment regime would be held the next day (19 March) at Devizes Town Hall.

(c) **Members' Independent Forum**

The Chairman explained that the next meeting of the Members' Independent Forum would be held on Thursday 23 April 2009 at the offices of the Vale of White Horse District Council in Abingdon and that he would be attending.

(d) **Officer Support to the Committee**

The Chairman reported that Mr Stephen Gerrard, would be retiring later in the year. Ian Gibbons had been appointed Service Director for Legal and Democratic Services which included the role of Solicitor to the Council and Monitoring Officer.

Nina Wilton had been appointed Head of Governance which included acting as Deputy Monitoring Officer and Yamina Rhouati had been appointed Democratic Governance Manager. Ian, Nina and Yamina would continue to support the Standards Committee. The Committee congratulated the officers on their appointments.

(f) **Loss of Data**

Nina Wilton drew the Committee's attention to a recent security issue over the loss of data. She explained the circumstances whereby data on a memory stick was transferred from Salisbury District Council to Wiltshire County Council. In the transfer to this Council, the data was sent via a courier in accordance with the agreed procedure. However, the procedure was not followed when returning the

data to Salisbury District Council and consequently, the memory stick did not arrive at Salisbury District Council and had not been recovered since.

The Committee noted that the memory stick was encrypted and password protected and therefore the risk to the data subjects was virtually non-existent. An investigation had been carried out into why established procedures were not followed. All staff had now been reminded of the correct procedures by way of the 'News and Views' bulletin, global emails and a note circulated with payslips.

(g) Photo-call

The Chairman asked Members to stay behind after the meeting for a photograph to be taken of the Committee for inclusion in the published Annual Report of the Committee.

17. **Members' Interests**

None.

18. **Public Participation**

None.

19. **Appointment of Independent Members and Town and Parish Representatives to the Standards Committee**

The report presented to Council on 24 February 2009 concerning the appointment of independent members and town and parish council representatives to the Committee was presented for the Committee's information. Council had resolved to increase the total membership of the Committee to 22 as previously recommended by the Committee and appointed 6 independent members and 8 town and parish council representatives, details of which were presented.

The Chairman drew attention to Council's decision regarding the payment of allowances in so far as this Committee was concerned. Council had accepted the recommendation of the Independent Remuneration Panel that for the period between 1 April and the elections on 4 June, that parish and town council representatives receive £70 per meeting. The Panel would be asked to look at the long term arrangements for members' allowances.

Resolved:

That the position be noted.

20. **Transitional Regulations Relating to Members' Conduct**

Ian Gibbons presented a report which advised the Committee of The Local Government (Structural Changes) (Further Transitional and Supplementary

Provision and Miscellaneous Amendments) Regulations relating to Members' conduct which were due to come into force on 11 March 2009, details of which were presented.

The Regulations made specific provision for continuity of matters relating to allegations of misconduct against members of councils which will cease to exist as a result of local government reorganisation on 1 April 2009.

The Monitoring Officers of the District Councils had been asked to keep this Council updated on the number of complaints which would remain outstanding as at 31 March 2009. It was noted that potentially, 3 or 4 assessments and 4 hearings would become the responsibility of Wiltshire Council.

Resolved:

That Members note the effect of the Regulations and how any outstanding complaints from the District Councils will fall to be dealt with by the Standards Committee of Wiltshire Council after reorganisation on 1 April 2009.

21. **Draft Code of Corporate Governance and Annual Governance Statement**

Ian Gibbons presented a report which advised the Committee that local authorities were required to adopt a Code of Corporate Governance and produce an Annual Governance Statement which replaced the Statement of Internal Control.

The Committee's views were sought on a Code of Corporate Governance and Assurance Framework which would be presented to the Final Accounts and Audit Committee on 25 March and the Implementation Executive on 7 April. The Code would form the overarching framework for the Council's corporate governance arrangements.

The Code underpinned good governance by providing a framework for ensuring sound decision making supported by effective processes. The Code presented had been prepared by the Assurance Steering Group and based on the CIPFA/SOLACE framework document 'Delivering Good Governance in Local Government'. It was proposed that the Code be adopted as a protocol to the constitution of Wiltshire Council.

A member commented that the documents were clear with sound key messages. However, it was considered that although processes and actions should form integral parts of the documents, not everything should be process driven and evaluations should be undertaken to ensure that processes were both effective and deliverable.

Resolved:

(a) That the Committee recommends the draft Code of Corporate

Governance to the Final Accounts and Audit Committee and the Implementation Executive.

- (b) That the Committee recommends the proposal to adopt an Assurance Framework to accompany and inform the Code of Corporate Governance and to inform Comprehensive Area Assessment on the Use of Resources and the Annual Governance Statement.**

22. Constitution for Wiltshire Council

The Committee was advised that Council at its meeting on 24 February 2009 had resolved to adopt the draft Constitution as the Constitution for Wiltshire Council.

The report considered by Council was presented for the Committee's information. Mrs McCord updated the Committee in her capacity as Chairman of the Focus Group on the Constitution and thanked officers for their hard work and support.

Resolved:

That the position be noted.

23. Members' Induction Plan

The Chairman reported that the Induction Plan for the training of members following the election on 4 June 2009 was approved by the Implementation Executive on 26 February 2009. An extract of the Plan relating to the training being provided on ethical governance issues was presented and the full Plan was available on request. Members of the Standards Committee were welcome to attend appropriate sessions of the Induction. The Plan included an overview of the Code of Conduct and Ian Gibbons suggested that the Committee might want to consider the provision of more in depth training on this important area along the lines of the training provided to members of the Standards Committee.

Resolved:

That the Induction Plan be noted.

24. Draft Annual Report of the Standards Committee 2008/09

The Chairman presented the Committee's draft Annual Report for 2008/09 for Members' consideration. The outcome of this meeting would be incorporated in the report and agreed with the Chairman prior to publication.

A Member requested inclusion in the reference to the Committee's consideration of the Bulletin, that the Committee finds the publication useful in terms of benchmarking against what happens in other authorities and that it provides a link to the Standards Board for England and access to best practice arrangements being operated elsewhere.

The Committee also requested inclusion under the section referring to what the Committee will be doing next year, that the Committee will also be reviewing the local assessment procedure in light of experience.

Resolved:

That the comments of Members and the outcome of this meeting be incorporated into the Annual Report and published following agreement with the Chairman.

25. **Towards One Council**

Members' attention was drawn to a link to the Council's web site which provided access to agenda, reports and minutes of the Implementation Executive which was dealing with all matters concerning the transition to one Council for Wiltshire.

26. **Bulletin No. 42**

The Committee received Bulletin No. 42 from the Standards Board for England for its information and comment.

Ian Gibbons offered to prepare reports for the Committee's consideration on any of the issues raised within the Bulletin should Members require any further clarification.

The Chairman drew Members' attention to the article in the Bulletin on Indemnification arrangements for Members. Ian Gibbons explained that within the constitution there was an indemnification scheme for officers but not for Members. He suggested that the new Council might want to consider indemnification arrangements for Members including co-opted members which would include members of this Committee. This Committee would be asked for its input on any recommendations to Council.

The Chairman sought clarification on the rules on dispensation where they applied to political balance. Ian Gibbons explained that new Regulations would come into force in May 2009 which would enable Members to seek a dispensation where the political balance of the meeting would be upset sufficiently to prejudice the outcome of voting on an issue. Ian Gibbons undertook to present a report to the Committee on the requirements of these Regulations.

Resolved:

That the Bulletin be noted and that the Head of Legal and Democratic Services be requested to prepare reports to the Standards Committee on indemnification arrangements for Members including co-opted members and the provisions of the Regulations in respect of dispensations.

27. The Committee's Work Plan

The Committee was invited to consider its work plan for 2009/10 and identify any further items for inclusion in addition to any items already identified during this meeting. It was noted that the Committee would be given the opportunity of reviewing and adjusting its work plan at each meeting.

The Chairman reminded the Committee that it would be asked to elect a Chairman and Vice-Chairman at its next meeting and drew attention to the established arrangement of appointing the outgoing Vice-Chairman as Chairman to ensure the Committee was chaired by an experienced member.

The Committee agreed it would be beneficial to have a question and answer session either prior to or after the next meeting on 8 July 2009 on the structure and organisation of the Unitary Council to provide any information not covered during the Members' induction process.

It was noted that the constitution had now been approved by full Council, although some sections remained unresolved and would be presented to the new Council for approval. The timetable did not allow prior consideration of these sections by the Committee although it was noted that the Focus Group on the Constitution chaired by Mrs McCord would have an input. The Committee would however, be involved in the 6 month review of the constitution by the new Council and this could be by way of a specific sub-committee of the Committee on the constitution.

Mrs McCord referred to the Committee's previous discussion on the subject of communication when the establishment of a sub-committee on this area had been raised. She proposed the establishment of the sub-committee and appointment of members to it to enable it to commence work on this important area without delay.

Resolved:

- (a) That the Committee's work plan for 2009/10 be noted.**
- (b) That a Sub-Committee on Communications be established with the following terms of reference and membership:**

Terms of reference:

To recommend to the Standards Committee measures to:

- publicise, promote and raise awareness of the work of the Standards Committee**
- be proactive in promoting good behaviour by members of Wiltshire Council and town and parish councils within the Council's jurisdiction**

Membership: Mrs McCord, Mr McGill, Mrs Bayley, Mr Bailey and Mrs Rugg

28. **Urgent Business**

None.

(Duration of meeting: 2.30pm – 3.30pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line (01225) 718024, e-mail yaminarhouati@wiltshire.gov.uk

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