

WEST WILTSHIRE DISTRICT COUNCIL

Minutes of the: Standards Committee

Held on: Wednesday 25 June 2008

Held in: The Council Chamber, Council Offices, Bradley Road, Trowbridge

Present:

District Council Members: Cllrs Carbin and Clark

Independent Members: Tony Frost (Chairman), Dennis Johnson, and Gerry Robson

Town/Parish Members: Cllr Oglesby

Also present: Monitoring Officer (TD), and Member Support Officer (SRS)

1. Apologies

Apologies had been received from Mr Epsley, Cllrs Leach, Ridout and Wyeth.

2. Declarations of Interest

None.

3. Announcements from the Chairman

The Chairman and a number of members had attended a seminar on local assessment held in Devizes on 19 June 2008.

The Chairman reported that Cllr Joan Kinder had resigned as a member of Melksham Town Council and was therefore no longer a member of this Committee. A replacement Town Council Member will be recruited.

The Chairman said that the Standards Committee is about raising confidence in local democracy. Members would like to look at making a contribution to the procedures for the Standards Committee in the Wiltshire unitary authority. It was agreed that this will be on the agenda for the next meeting.

4. Minutes

The minutes of the meeting held on 5 June 2008 were approved as a correct record by the Committee and signed by the Chairman.

5. Standards Board Guidance: Local Assessment of Complaints

The Monitoring Officer introduced his report on the guidance issued by the Standards Board for England on the local assessment of complaints.

Members made a number of points in reference to the SBE guidance to which the Monitoring Officer responded. These points included the following:

The publicity on how to make a complaint is difficult to find on the District Council's website, and how do those who do not have internet access find out how to make complaints? *West Wilts Matters* (in which such information is also published) does not reach every household. Publicity should also be placed in the *Wiltshire Times* and in public libraries.

The Monitoring Officer replied that *West Wilts Matters* reaches approximately 90% of households in the District, much more than the *Wiltshire Times*. It is distributed by Royal Mail Household Delivery, but there are some who do not receive it where their postcodes do not match the District area.

On the website, the section on complaints is found on the 'A-Z' under 'C' and is concise and leads directly to the complaints form. However, the Monitoring Officer will look at any ways in which the website can be improved.

For those who do not have internet access, complaint forms can be obtained on request by phone or post.

Public libraries should have corporate District Council complaints forms, which covers complaints against Councillors.

Amendments to the Constitution relating to the handling of complaints against Councillors have been drafted and are being examined by the District Council's lawyers.

With reference to page 9 of the SBE guidance, clarification was sought as to how the sections of the Local Government Act 2000 and the Data Protection Act 1998 might affect the work of this Committee. In particular the complaints form used by the District Council does not contain data protection statements.

The Monitoring Officer replied that Section 63 of the Local Government Act 2000 (regarding disclosure of information) relates to the Monitoring Officer and not to this Committee. With reference to Section 57C (2) of the Local Government Act 2000 (regarding written summaries of allegations), only the Standards Committee and its sub-committee have

the authority to give written summaries of allegations to the subject member.

Complaints remain confidential through the assessment and review stages, with details being sent only to the complainant, the subject member, and the members of the relevant sub-committees. Meetings of the Assessment and of the Review Sub-Committees will be held in closed-session. The Monitoring Officer will check practices with reference to data protection and freedom of information issues and report back to the Standards Committee.

With regards to developing assessment criteria (p11 of the SBE guidance) – what procedures will be used and how will they be publicised?

The Monitoring Officer reported that he will bring proposals for assessment criteria to the next meeting of the Standards Committee. These will be published once agreed.

The corporate complaints procedure already takes 'Multiple and vexatious complaints' (p23 of the SBE guidance) into account. Each complaint would be dealt with on its own merits regardless of the identity of the complainant.

RESOLVED:

The SBE guidance on the local assessment of complaints was received and noted.

6. Procedure for the Receipt of Complaints

The Monitoring Officer introduced the draft procedure, drawn up by Sonia Sharp (Solicitor), for handling the receipt of complaints under the new Local Assessment framework.

Members made a number of points in reference to the draft procedure to which the Monitoring Officer responded:

The Monitoring Officer is required to record the number of formal complaints i.e. those received in writing and relating to alleged breaches of the Code of Conduct by members of the District Council and the Parish/Town Councils in the District area. He would, as a matter of good practise, record other approaches.

Complaints received via email will be treated as written complaints therefore the wording in 1.3 which says 'signed' will be amended to 'identified' (i.e. with the name of the complainant).

The wording in the last sentence of 1.3 will be amended from 'where and for so long as in his/her opinion that would be in the public interest' to 'until the request can be considered by the Assessment Sub-Committee'.

There is a difference between complainants from those who identify themselves but request confidentiality, and complaints sent in anonymously. No action will be taken with anonymous complaints.

Substitute 'complaint' in place of allegation where it appears in the draft procedures.

In practice, a Member Support Officer will contact the members of the Assessment Sub-Committee by telephone and email to arrange a meeting very shortly after a complaint is received. Receipt of the complaints will be acknowledged to the complainant. It would not be appropriate to send notifications of complaints received to all members of the Standards Committee. As soon as a meeting date is fixed the complainant and the subject of the complaint will be informed of that date.

The Standards Committee only deals with allegations that members have failed to observe the Code of Conduct. The words 'appears to be' and 'substantive' will be removed from 2.1.

Dates will be set in diaries in advance for possible meetings of the Assessment Sub-Committee. Flexibility is needed and the published meeting dates will be subject to the availability of Assessment Sub-Committee members.

2.2.1 and 2.2.2. substitute 'earliest possible opportunity' for 'convenient'.

The Monitoring Officer – 2.2.4 deals with other action where referral to investigation is not appropriate e.g. an apology.

The Monitoring Officer – the use of the word 'inappropriate' in 3.2 is correct in that it does not claim that a breach of the Code has necessarily occurred. The Monitoring Officer would not seek opinions, or make agreements between complainant and subject member, but would report to the Assessment Sub-Committee.

The wording on the first sentence of 3.2 should be altered from 'Where the Monitoring Officer *is of the opinion that* there is the potential for local resolution' to '*should consider*'.

It was agreed (with reference to 4.1) to give the date to the complainant by which they would need to ask for the decision of the Assessment Sub-Committee to be reviewed by the Review Sub-Committee.

The procedures will be published once they have been agreed by this Committee.

RESOLVED:

To amend the 'Procedure for the Receipt of Complaints' as agreed above, for confirmation and approval at the next meeting.

7. Meeting dates 2008 - 09

The Member Support Officer introduced a revised schedule of meetings of the Standards Committee and a provisional schedule of meetings of the Assessment Sub-Committee for the remainder of 2008-09.

RESOLVED:

To agree the schedule with the exception that there should be a meeting of the Standards Committee on Thursday 17 July 2008.

[The rest of the agreed schedule is set out below:

Thursday, 14 August 2008, 7.00pm (provisional)	Assessment Sub-Committee
Thursday, 18 September 2008, 7.00pm	Standards Committee
Thursday, 25 September 2008, 7.00pm (provisional)	Assessment Sub-Committee
Thursday, 9 October 2008, 7.00pm (provisional)	Assessment Sub-Committee
Thursday, 6 November 2008, 7.00pm (provisional)	Assessment Sub-Committee
Thursday, 3 December 2008, 7.00pm (provisional)	Assessment Sub-Committee
Wednesday, 10 December 2008, 7.00pm	Standards Committee
Tuesday, 13 January 2009, 7.00pm (provisional)	Assessment Sub-Committee
Thursday, 12 February 2009, 7.00pm (provisional)	Assessment Sub-Committee
Wednesday, 11 March 2009, 7.00pm	Standards Committee
Thursday, 19 March 2009, 7.00pm (provisional)]	Assessment Sub-Committee

(Duration of meeting held on 25 June 2008: 7.00 – 8.15pm)

These minutes were prepared by Sean Semple, Member Support Officer, who can be contacted on 01225 776655 ext 204, email: ssemple@westwiltshire.gov.uk