

## WEST WILTSHIRE DISTRICT COUNCIL

Minutes of the: Standards Committee

Held on: Wednesday 10 December 2008

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

Present:

District Council Members: Cllrs Carbin, Clark, and Martindale

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

Town/Parish Members: Cllrs Oglesby and Andrews

Also present: Corporate Director and Monitoring Officer (TD), Head of Legal Services (NM) and Member Support Officer (HP)

### 24. Apologies

Apologies were received from Cllr Ridout.

### 25. Declarations of Interest

Item	Cllr	Reason
6	Cllr Stephen Andrews	Personal Interest: Is a member of Westbury Town Council
6	Bruce Epsley	Personal Interest: Will Chair the Standards Sub-Committee convened to hear a separate complaint against Cllr Russell Hawker (SB 17826.07).  Left the Chamber during consideration of this item.

### 26. Minutes

The minutes of the meeting held on 18 September were approved as a correct record and signed by the Chairman.

**27. Chairman's Announcements**

The Chairman welcomed Cllr Stephen Andrews of Westbury Town Council to the Standards Committee.

**28. Standards Arrangements for Wiltshire Council**

Tony Frost reported back on a meeting of Wiltshire County Council's Standards Committee on 10 November 2008.

**Resolved that:**

- **The Standards Committee notes the report.**

**29. Standards Board Complaint – SBE 18404.07 - Report of Investigation – Finding of No Breach**

The Corporate Director and Monitoring Officer (TD) presented a report introducing the report of investigation into a complaint about Cllr Russell Hawker as a member of Westbury Town Council. The Investigator had found that there had been no breach of the Code of Conduct.

**Resolved that:**

- **The Standards Committee agrees that there has been no breach of the Code of Conduct.**

**30. Codes of Conduct for Local Authority Members and Employees – Consultation Paper**

The Head of Legal Services (NM) introduced a report requesting that the Standards Committee considers the above consultation and makes a response to the Department of Communities and Local Government.

**Resolved that:**

- **The Standards Committee agrees to submit the following responses:**

	<b>Consultation Question</b>	<b>Response</b>
Q1	Do you agree that the Members' Code should apply to a member's conduct when acting in their non-official capacity?	<b>No</b>
Q2	Do you agree with this definition of "criminal offence" for the purpose of the Members' Code? If not what other definitions would you support, for instance should it include police cautions? Please give details.	<b>No. The Committee requests a rethink of the scope and definition.</b>
Q3	Do you agree with this definition of official capacity for the purpose of the Members Code? If not what other definition would you support? Please give details.	<b>Yes</b>
Q4	Do you agree that the Members' Code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?	<b>The Committee supports this in principle, but further definition is needed .</b>
Q5	Do you agree that an ethical investigation should not proceed until the criminal process has been completed?	<b>Yes</b>
Q6	Do you think that the amendments to the Members' Code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so please could you provide details of your suggested amendments?	<b>Yes</b>
Q7	Are there any aspects of conduct currently included in the Members' Code that are not required? If so please could you specify which aspects and the reasons why you hold this view?	<b>No</b>
Q8	Are there any aspects of conduct in a member's official capacity not specified in the Members' Code that should be included? Please give details.	<b>No</b>
Q9	Does the proposed timescale of two months during which a member must give an undertaking to observe the Members' Code starting from the date the authority adopts the Code provide members with sufficient time to observe the Code?	<b>Yes</b>

Q10	Do you agree with the addition of this new general principle applied specifically to conduct in a member's non-official capacity?	<b>No</b>
Q11	Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?	<b>Not necessary to add a new principle.</b>
Q12	Do you agree with this definition of official capacity for the purpose of the General Principles Order?	<b>No - see above answer to 10.</b>
Q13	Do you agree that a mandatory model Code of Conduct for local government employees which would be incorporated into employees' terms and conditions of employment is needed?	<b>No</b>
<p><b>NOTE: THE ANSWERS PROVIDED BELOW ARE ONLY GIVEN IN CASE A CODE AS DESCRIBED ABOVE <u>WAS</u> INTRODUCED (THE COMMITTEE FELT THAT IT SHOULD NOT BE (see Q. 13))</b></p>		
Q14	Should we apply the Employees' Code to fire-fighters, teachers, community support officers and solicitors?	<b>As long as it does not lead to conflict and confusion between the Employee's Code and the professional codes.</b>
Q15	Are there any other categories of employee in respect of whom it is not necessary to apply the Code?	<b>No</b>
Q16	Does the Employee's Code for all employees correctly reflect the core values that should be enshrined in the Code? If not what has been included that should be omitted or what has been omitted that should be included?	<b>Yes</b>
Q17	Should the selection of "qualifying employees" be made on the basis of a political restriction style model, or should	<b>The delegation model should be used as the values in the</b>

	qualifying employees be selected using the delegation model?	<b>Employees' Code seem particularly applicable for employees who have responsibility for making decisions as part of their daily job.</b>
Q18	Should the Code contain a requirement for qualifying employees to publicly register any interests?	<b>No. There would be many occasions when qualifying employees may wish to seek exemptions. To have such a requirement would be unwieldy and burdensome and could be dangerous, for example in the case of enforcement officers.</b>
Q19	Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?	<b>No</b>
Q20	Does the section of the Employees' Code which will apply to qualifying employees capture all pertinent aspects of the Members' Code. Have any been omitted?	<b>Yes</b> <b>No</b>
Q21	Does the section of the Employees' Code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the Code that are not necessary?	<b>No</b>
Q22	Should the Employee's Code extend to employees of parish councils?	<b>No</b>

### 31. Date of Next Meeting

The next scheduled meeting of the Standards Committee will take place at 7pm on Wednesday 11 March 2009 in the Council Chamber. The following provisional dates have also been scheduled to be used where necessary:

13 January 2009

12 February 2009

7.00 – 8.30pm

These minutes were prepared by Henry Powell, Member Support Officer, who can be contacted on 01225 776655 ext 242, or [hpowell@westwiltshire.gov.uk](mailto:hpowell@westwiltshire.gov.uk)