

Standards Arrangements for Wiltshire Council

Report back from Chair on Wiltshire County Council Standards Committee of 10 November

I attended the meeting with Robert, Ernie was also there as a member of WCC Stds. Will they please say if I have missed anything important. You will all have had the agenda papers so I won't repeat the contents. We were welcomed very courteously and allowed to speak as if we were members of the committee.

An additional paper was distributed at the meeting relating to the new committee (attached). This was eventually approved with an amendment to the last para. I didn't manage to record the exact wording of the change but we will be receiving minutes.

The new committee is to be 22 strong, and the recruitment process for new independent members aims to allow the newcomers to be approved by the WCC at their meeting of the 24 Feb. Papers will be sent to all existing independents. As some of the present WCC members will be retiring by rotation it appears that there will be five or six vacancies to be filled by independents. There appears to be a preference for parish/town members to serve 4 years.

There was some debate whether members should be appointed to s/committees in advance of hearings as we have done and also whether members should be allowed to serve on more than one s/committee. I recounted the points raised when we debated the same subjects. I believe the conclusion was that appointments to s/c should be delayed to allow greater flexibility and that in some circumstances it would be permissible although not desirable for a member to sit on more than one cttee.

WCC Officers have spoken to DCLG and any hearing or other business which is not complete by the 31 March will be continued by WCC stds. Written confirmation of this will be passed to the districts when [and if] it's received.

I suggested that WCC should consider how to collect and retain the benefit of the experience gained by the districts over the past years especially in hearings. This was taken up and a training seminar is being arranged at which I have agreed to help on behalf of WWDC.

Some discussion took place on how to help complainants formulate and present their complaints. Suggestions included a Complainants Champion and involving CAB and other organisations.

Item 10 on the agenda papers relates to a consultation document on the model code of conduct. Responses are required by the 24 Dec. Should we not have this on our next agenda?

I invited anyone interested to attend our next meeting and promised that an agenda and papers would be sent to Yamina for distribution.

Tony Frost

Article 9 – The Standards Committee

9.1 Standards Committee

The Council will establish a Standards Committee and appoint members to it annually.

9.2 Composition

The voting membership of the Standards Committee will comprise:

6 members of the Council other than the Leader **or any member of the Cabinet.**

8 parish councillors who are not elected members of the council.

8 independent members who are not members or officers of the Council, **nor have been so for the 5 years preceding their appointment.**

The Committee and any sub-committee must be chaired by an independent member. **The vice chairman of the committee will also be an independent member.**

9.3

At least one parish council member of the committee must be present at any meeting of the committee or a sub-committee when allegations under the Code of Conduct relating to town or parish councillors are being considered.

9.4

The Standards Committee will have the roles and functions set out in Part 3 of this Constitution.

9.5

Independent and parish council members will be appointed by the County Council for a term of four years.

If at the end of their term of office an independent member wishes to be re-appointed, s/he will be eligible to re-apply. **However, they may only serve a maximum of two consecutive terms.**

Appendix 2

2.3 Standards Committee

This Committee will comprise **6** members other than the Leader **or any other member of the Cabinet, 8 parish councillors who are not elected members of the council, and 8 independent members.**

The Committee will be chaired by an independent member. The vice-chairman of the committee will also be an independent member.

The Standards Committee is responsible for:

- promoting and maintaining high standards of conduct by elected members, co-opted members and church and parent governor representatives and officers;
- assisting the elected and co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct;
- monitoring and advising the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunals under section 80 of the Local Government Act 2000;
- advising, training or arranging to train elected and co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct and ensuring that all members of the Council have access to training in all aspects of the Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local Councillors under the Code;
- granting dispensations to elected and co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- dealing with all matters relating to:
 - the initial assessment of misconduct allegations under the Members' Code of Conduct;

- any request to review a decision to take no action in relation to a misconduct allegation;
 - any hearing to determine whether a member has breached the Code and where appropriate impose sanctions.
- **promoting and overseeing high standards of ethical governance throughout the Council.**
 - overview of the whistle blowing policy;
 - overview of complaints handling and Ombudsman investigations;
 - reviewing the implementation of recommendations made by the Ombudsman;
 - oversight of the Constitution;
 - **considering and determining applications for exemption to the requirements in relation to politically restricted posts.**

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 may appoint:

- **An Assessment Sub-Committee to assess complaints;**
- **A Review Sub-Committee to review assessments if requested to do so by the complainant; and**
- **A Hearing Sub-Committee to conduct hearings into alleged breaches of the Code of Conduct.**

Any sub-committee will be chaired by an independent member of the Standards Committee.

The composition of any sub-committee will be determined by the Monitoring Officer in consultation with the Chairman of the Committee on the basis of member availability. Where the sub-committee is an Assessment Sub-committee, a Review Sub-Committee, or a Hearing Sub-committee, no member will serve on more than one of those sub-committees for any one allegation or set of allegations.