

## Minutes

26 January 2004  
Committee Room 2  
Bourne Hill, Salisbury  
Commencing at 2.00 pm

34. **Present:**

Mr G A Thompson (Chairman and Independent Person), Mrs M F Lewis (Vice-Chairman and Independent Person), Councillors C G Mills and B M E Rycroft and Mr M Chandler (Parish Representative).

In attendance: Councillors J B Hooper and J Walsh (Deputy Members), Mr R G Crook (Deputy Parish Representative), Mrs S J Tovey (Legal Services Manager/Monitoring Officer), Mr A Wright (Employee Relations Officer) and Mr P J Bellas (Senior Democratic Services Officer)

35. **Public Question/Statement Time:**

There were none.

36. **Minutes:**

**Agreed:** that the minutes of the last meeting held on 15<sup>th</sup> December 2003 be approved as a correct record and signed by the Chairman.

37. **Declarations of Interest:**

Although no interests were formally declared it be noted that Councillor Mills (in view of his previously declared personal and political association with Councillor West) and Councillor Hooper (in view of his related Notice of Motion to be considered by Full Council) were not present at the meeting for the consideration of the matter recorded under minute 41 (5).

38. **Whistleblowing Policy:**

Consideration was given to the report of the Employee Relations Officer, including the draft Whistleblowing Policy (previously circulated) together with the following amendments arising from the meeting of the Joint Consultative Forum held on 26th January 2004 (circulated at the meeting):-

(1) Paragraph 3.2 of the covering report to read:

"The Council should take out a subscription with Public Concern at Work, which costs £200 for 12 months. Such subscription will be reviewed after 12 months. This offers staff a helpline and is a confidential service for raising genuine concerns about wrongdoing."

(2) the addition of the following text at the end of paragraph 5.4 of the draft Whistleblowing Policy:

"who will report back to the Standards Committee who may refer the matter to the Cabinet."

The Committee noted that one of the main issues arising from the negotiations on the draft policy with the trades unions was the involvement of members. These negotiations had led to the inclusion of paragraph 5.4 of the draft policy, which would allow staff, dissatisfied with the outcome of the Council's investigation into their concerns, to raise the matter with the Standards Committee for review. The Committee considered that, although its terms of

reference included the "oversight" of the Policy, it did not have any remit over staffing matters.

**Recommended to Cabinet (4<sup>th</sup> February 2004) -**

- (1) that the report of the Employee Relations Officer, as amended by the Joint Consultative Forum, be agreed; and
- (2) that the draft Whistleblowing Policy, as amended by the Joint Consultative Forum, be approved, subject to:-
  - (a) the re-wording of paragraph 5.4 as follows:-

"If you are dissatisfied with the process of the Council investigation into your concern raised under this policy then you may raise your concern with the Standards Committee. Your written submission should be sent to the Monitoring Officer and the Standards Committee will scrutinise the process. If the Committee has doubts about the process then the matter will be referred back to the Responsible Officer for further consideration. The Responsible Officer will report back to the Standards Committee who may then refer the matter to the Cabinet"; and
  - (b) the inclusion of a decision flowchart for the Policy.

39. **Code of Conduct for Employees:**

Consideration was given to the report of the Employee Relations Officer, including the draft Code of Conduct for Employees (previously circulated) together with the amendments arising from the meeting of the Joint Consultative Forum held on 26th January 2004 (circulated at the meeting).

**Recommended to Cabinet (4<sup>th</sup> February 2004) –** that the draft Code of Conduct for Employees be approved subject to:-

- (1) the amendment of paragraph 2.4 to read:-

"It may be reasonable for staff to accept small gratuities although these must be declared. A register of gifts (and hospitality) is kept centrally by Personnel and is subject to regular review. Items of greater value e.g. bottle of spirits should always be tactfully refused and your Service Unit Head should, for your own protection, be told that the offer has been made";
- (2) the substitution of "a Service Unit Head or Policy Director" for "the Council" at the end of paragraph 4.4;
- (3) the amendment of paragraph 6.1.2, as suggested by the Joint Consultative Forum, to read:-

"Relationships between Councillors and employees is essentially a business one, and an overly-familiar relationship risks confusing this and should therefore be avoided. Such inappropriate relationships can damage the relationship and prove embarrassing to other employees and Councillors";
- (4) the amendment of Paragraph 11, as suggested by the Joint Consultative Forum, to read:

"All records, documents, software (including proprietary software) and other papers, which relate to the Council's business and which are made or obtained by employees in the course of their employment, are the property of the Council. The copyright on all such original records, documents, software and papers (including copies and summaries) belongs to the Council";

- (5) the inclusion of "who should consult the Monitoring Officer" after "Service Unit Head" in paragraph 10.3; and
- (6) the amendment of paragraph 13, based on the suggestion of the Joint Consultative Forum, to read:  
 "Employees will receive from time to time written, oral and computerised data which is of a confidential nature. Such information should not be disclosed except in the normal course of business within the Council and not otherwise unless specific approval has been given by the manager in the interest of the Council. The release of information is subject to statutory requirements, e.g. Data Protection Act, 1998, Freedom of Information Act, 2000, and these requirements need to be taken into account."

40. **Request for Dispensations by Pitton and Farley Parish Council:**

Consideration was given to the report of the Legal Services Manager/Monitoring Officer (previously circulated).

Arising from the debate, Members were concerned about the title of the Flood Action Group as this could cause confusion about its status as an official Parish Council sub-committee; and the need to ensure that any dispensations granted were limited to the overall effect of flooding on the Village and could not be construed as providing the ability to participate in matters where other prejudicial interests may arise. Therefore, it was:-

**Agreed -**

- (1) that dispensations be granted as follows:-
  - (a) **Geoffrey Wilfred Barley** - dispensation to take part in discussions of the Parish Council's Flood Action Group to consider all aspects of flooding in Pitton and to decide appropriate courses of action and of the planning sub-committee to discuss planning applications where the granting of permission may have a bearing on flooding in the village. The dispensation is strictly limited to instances where the prejudicial interest arises because of the overall effect of flooding on the village of Pitton and excludes all instances where a prejudicial interest arises for reasons other than flooding; and
  - (b) **David Cole** - dispensation to take part in discussions of the parish council's Flood Action Group to consider all aspects of flooding in Pitton and to decide appropriate courses of action and of the planning sub-committee to discuss planning applications where the granting of permission may have a bearing on flooding in the village. The dispensation is strictly limited to instances where the prejudicial interests arises because of the overall effect of flooding on the village of Pitton and excludes all instances where a prejudicial interest arises for reasons other than flooding;
- (2) that the dispensations granted under (1) above to endure until the next Parish Elections in May 2007 unless there is a change in membership of the parish council beforehand such that there is no longer a situation whereby half the Members entitled or required to participate in the Flood Action Group or the planning sub-committee for Pitton would not otherwise be able to do so; and
- (3) that the Monitoring Officer be asked to raise the Committee's concerns regarding the title of the Flood Action Group with the Parish Clerk.

41. **Matters of Urgency:**

Although the following items did not appear on the agenda for the meeting the Chairman decided to take them as matters of urgency:-

- (1) **Recruitment of Independent Person** – At the request of the Chairman and further to minute 32 (15/12/03) the Monitoring Officer/Legal Services Manager reported that progress on this matter had been limited due to the Christmas period and time devoted to preparations for the Comprehensive Performance Assessment. However a meeting would be held during the next few days with the Head of Democratic Services to commence the recruitment process.

The Chairman asked that the Committee be updated on developments with regard to this matter at its next meeting.

- (2) **Standards Board Procedures** – The Legal Services Manager/Monitoring Officer read out a letter received from the Head of Policy and Guidance at the Standards Board for England in response to the Committee's concerns about the Standards Board's procedures as detailed under minute 29 (15/12/03).

Having heard the response of the Standards Board, the Committee remained concerned about the iniquity of publishing councillors' names in connection with complaints, whilst the complainants' details remained confidential. It was, therefore:

**Agreed -**

- (1) that the Monitoring Officer circulate the letter received from the Standards Board to all Members of the Committee: and
- (2) that the Monitoring Officer write to the Standards Board to request that the Committee's concerns regarding the publication of personal details be reconsidered or be referred to Government.
- (3) **Standards Board Conference** – The Monitoring Officer/Legal Services Manager reported that the Standards Board's Annual Conference would be held on 13<sup>th</sup>/14<sup>th</sup> September 2004. It was considered advantageous for the Chairman or Vice-Chairman at the time to attend the Conference and that this matter should be considered further at a future meeting.
- (4) **Annual Report** – The Chairman reported that the Standards Committee of Wiltshire County Council had produced an annual report of its activities and asked for an item to be included on the agenda for a future meeting in order to discuss whether it would be beneficial for this Committee to do the same.
- (5) **Statement to the Standards Committee on 15<sup>th</sup> September 2003** – Further to minute 28 (15/12/03) the Senior Democratic Services Officer updated members on the progress made with regard to establishment of the Appeals Panel.

The Committee noted that although it had been hoped to hold the hearing before the meetings of the Standards Committee and Full Council in February this would not be possible due to time constraints affecting both parties. It was now most likely that the hearing would be held in early March.

The meeting concluded at 3.46 pm