

## Minutes

15 March 2004  
Committee Room 2  
Bourne Hill, Salisbury  
Commencing at 2.00 pm

42. **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: Councillor J Walsh (Deputy Member), Mr R G Crook (Deputy Parish Representative), Mrs S J Tovey (Legal Services Manager/Monitoring Officer), Mrs D Melville (Chief Internal Auditor) and Mr P J Bellas (Senior Democratic Services Officer)

Councillor I C West was also in attendance.

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

There were none.

44. **Minutes:**

**Agreed:** that the minutes of the last meeting held on 26<sup>th</sup> January 2004 be approved as a correct record and signed by the Chairman.

45. **Declarations of Interest:**

There were no declarations of interest.

46. **Internal Audit Reporting to Members:**

Consideration was given to the report of the Chief Internal Auditor (previously circulated).

**Agreed –**

- (1) that the development of an action plan to meet the Council's duty to publish "a statement of internal control" under the Accounts and Audit Regulations 2003 be supported; and
- (2) that, in developing the action plan, the Management Team be requested to:-
  - (a) introduce interim reporting arrangements against the Strategic Audit Plan; and
  - (b) include Members of the Council within these arrangements to ensure accountability.

47. **Audit & Inspection - Annual Letter:**

Consideration was given to the Audit and Inspection Annual Letter prepared by the Audit Commission (previously circulated).

Arising from the Audit Letter, the Chief Internal Auditor drew attention to the Audit Commission's opinion that the Council should adopt a Local Code of Corporate Governance. The Committee noted the elements of the Code, based on the framework produced by CIPFA and SOLACE and that a review would be undertaken by officers over the next few months. It was anticipated that following the review a report would be brought before the

Committee in the Autumn covering the Committee's responsibilities, guidance and training requirements.

**48. Local Investigation of Allegations of Misconduct:**

Consideration was given to the report of the Legal Services Manager/Monitoring Officer (previously circulated) on consultation papers issued by the Office of the Deputy Prime Minister (ODPM) and the Standards Board in respect of local investigations into breaches of the Code of Conduct.

The Committee noted the draft regulations placed monitoring officers in a difficult position due to their dual roles as advisers, both to the Standards Committee and individual Members, and investigators. The Legal Services Manager/Monitoring Officer reported that to overcome these potential difficulties it was proposed to use the delegation arrangements under the Local Government Act 2003 and to instruct retired senior legal advisers to undertake any investigations. In view of these proposals and the Committee's view that the chief role of the Monitoring Officer should be to advise the Committee, it was considered that the final bullet point of Appendix B to the above report was inappropriate.

The Committee was concerned that no provision had been made in the budgets to cover the costs of undertaking investigations. However the Legal Services Manager/Monitoring Officer informed the Committee that the Financial Services Unit had been made aware of the regulations and that it had been agreed that funds would be available if required.

The Legal Services Manager/Monitoring Officer also advised the Committee that the Wiltshire Monitoring Officers' Group would be meeting on 18<sup>th</sup> March 2004 to discuss the draft regulations and asked for the Committee's permission to amend the responses to the consultations papers in the light of these discussions.

**Agreed –**

- (1) that, subject to any amendments arising from the meeting of the Wiltshire Monitoring Officers' Group:-
  - (a) the response set out as Appendix A to the above report be approved and sent to the Office of the Deputy Prime Minister; and
  - (b) the response set out as Appendix B to the above report be approved, subject to the deletion of the final bullet point, and sent to the Standards Board; and
- (2) that copies of the final responses to the consultation papers be circulated to Members of the Committee for information.

**49. Member Indemnities:**

At the request of the Chairman, consideration was given to the decision recorded under Full Council minute 73 (18/2/04), as follows:-

"We propose that as a matter of principle, Members should be indemnified and reimbursed for legal fees as far as the law allows and that the Standards Committee (or whichever body is determining such matters) should be made aware of the Council's strength of views on the issue of indemnity particularly where independent legal advice is called for by a Member".

The Legal Services Manager/Monitoring Officer reported that, at present, the Public Health Act 1875 provided indemnities to Members. However these were strictly limited and only applied where a Member was performing a statutory duty and had acted in good faith.

This matter had been considered by the Policy and Resources Committee in 2000 and had led to the adoption of the following policy (minute 91 – 16/2/00 refers):-

*“that:-*

- (1) The Council’s policy to support its Members and Officers in the performance of their duties be reaffirmed.*
- (2) The Council does not take out insurance on behalf of its Members due to the uncertainty surrounding its powers to do so.*
- (3) In the event that a Member seeks to rely on an indemnity under Section 265 Public Health Act 1875 the request be reported to the appropriate committee for a decision to be taken.*
- (4) In the event of a Member or Officer requesting that the Council bring or defend legal action on his or her behalf, the Chief Executive may instigate appropriate action at his discretion and if a Member is not satisfied, he may call a meeting to be summoned within 48 hours under the Special Delegation Procedure.*
- (5) All Members on outside bodies should investigate whether those bodies have taken out or are able to take out the necessary insurance.”*

The Committee noted that the Local Government Act 2000 allowed the Secretary of State by order to make provision for local authorities to provide indemnities to their members. The Council had responded to a consultation paper issued by the ODPM on this matter but nothing had been heard from Government since the consultation period closed on 6<sup>th</sup> October 2003.

**Agreed** – that, due to the decision being in principle and subject to the caveat “as far as the law allows” the Committee is comfortable to operate the policy approved under Full Council minute 73 (18/2/04) until the regulations to be issued under the Local Government Act 2000 are in place.

**50. Recruitment of Independent Person:**

Further to minute 41(1) (26/1/04) the Committee noted that the Appointments Panel, comprising the Vice-Chairman of the Committee, Mrs Lewis, the Chairman of the Council, Councillor F Bissington and Councillors Mrs Green and Miss Tomlinson, had met on 15/3/04 to interview applicants to become one of the Independent Persons on the Committee.

Two applicants had been interviewed, a third had not been able to attend due to illness, and the Panel wished to recommend Mr Rodney Job for the position.

**Recommended to Full Council (29<sup>th</sup> March 2004)** – that Mr Rodney Job be appointed as one of the Independent Persons on the Standards Committee with effect from 17<sup>th</sup> May 2004.

(Note: Mr Job is a Chartered Engineer, currently employed as a Principal Flight Test Engineer at Boscombe Down. He has lived in Salisbury District for approximately 30 years and is used to committee work both as secretary to a local residents’ association and as a committee member with the Royal Aeronautical Society. Mr Job is also a “People’s Voice” panelist.)

**51. Annual Report:**

Further to minute 41(4) (26/1/04) consideration was given to whether the Committee should produce an annual report.

**Agreed** – that the Legal Services Manager/Monitoring Officer and the Senior Democratic Services Officer, with assistance from the Chairman and Vice-Chairman

be asked to draft an article on the functions and work of the Committee for the "South Wilts Citizen."

52. **Appeals Panel - Update:**

Further to minute 41(5) (26/1/04), the Senior Democratic Services Officer reported that the Hearing of the Appeals Panel would be held on Friday 19<sup>th</sup> March 2004.

The Members of the Panel were Councillors from neighbouring authorities and represented all "political" groups on the Council.

Documentation for the Hearing had been circulated to those persons due to attend on 11<sup>th</sup> March, 2004.

53. **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) **Standards Board Procedures** – The Legal Services Manager/Monitoring Officer reported that in accordance with minute 41(3) (26/1/04) the Standards Board had been asked to reconsider its policy on the publication of personal details or to refer the matter to Government.

The Head of Policy and Guidance at the Standards Board had responded in a letter dated 5<sup>th</sup> March 2004 stating that the Board had determined its policy after long consideration. He acknowledged that it was a difficult area and the Board's views were open to change in the light of experience, however there were no plans to review the matter at present.

He had also stated that the Board had raised concerns with the ODPM by letter in July 2003 although no response had been received. He had also agreed to forward the Legal Services Manager/Monitoring Officer's letter to the ODPM for their consideration.

The Legal Services Manager/Monitoring Officer agreed to circulate copies of the letter received from the Standards Board to all Members of the Committee.

- (2) **Independent Members of Standards Committees** – The Chairman reported that he had represented both Salisbury and Wiltshire at a meeting in Southampton on 11<sup>th</sup> March 2004 to discuss whether there was support for the establishment of an Independent Person Network.

It was originally hoped that representatives would come from across the South of England but it was found that Kent, Gloucester and Dorset and all Counties to the West, had already set up their own individual groups. However approximately 40 people attended the meeting and at least a further 40 sent apologies along with messages of support. In view of this it was felt that the proposed area was too large and it was suggested that Wiltshire, Oxford and Berkshire might well constitute a sensibly sized and manageable group.

There was general agreement that the formation of the network had merit and could allow:-

- Issues worrying Independent members to be discussed.
- Networking
- Interface with the Standards Board.
- Independent members to feel more empowered.
- Training specifically for Independent Members to be given.

The Committee noted that a most interesting part of the meeting was hearing of the wide variations in the set-up, work undertaken, success of different committees and the contribution made by Independent members.

It was hoped that full details of all items discussed and background information would be circulated by the end of April and the Chairman had asked for a copy to be sent to the Vice-Chairman via the Legal Services Manager/Monitoring Officer. He was sure the notes would make interesting reading and that the future involvement of the Council's Independent Persons could be further considered at that time.

The meeting concluded at 3.30 pm