

STANDARDS COMMITTEE

20 August 2001

STANDARDS COMMITTEE

1. Standards Committees arose out the recommendations of the Nolan Committee into Standards in Public Life and the Local Government Act 2000 which establishes a new framework to ensure high standards of conduct in local authorities. The initial proposal was that there should be a body responsible for scrutinising and regulating the behaviour of elected members in local authorities, and that it should have a strong independent element. The proposal was that local authorities should be self-regulating where practicable.
2. A number of authorities, including Wiltshire County Council, set up standard panels in anticipation of the new legislation. It was expected the Standards Panels would be responsible for overseeing the behaviour of elected members, recommending good practice and, when necessary, recommending appropriate sanctions in the event of misconduct.
3. The initial purpose behind Standards Committees seems to have got lost somewhere along the line. In practice a national Standards Board has been set up to consider members conduct, and in particular allegations of misconduct. The majority of cases are going to be heard by this national body. Therefore the original purpose behind Standards Committee seems to have been usurped by the national body. At the same time, however, a far more interesting role seems to have evolved. The terms of reference of the Wiltshire County Council Standards Committee are set out at appendix 1. This follows the statutory guidance. This is a wider role than was previously envisaged.
4. The work of the Standards Committee will have to be prioritised and programmed in order to tackle these various issues over time.
5. The Standards Committee is being established at the same time that the constitutional framework of local authorities is undergoing a major review. All local authorities have to adopt new constitutions. There are various constitutional models which local authorities can adopt. It is likely that the County Council will adopt the model of a leader and cabinet.
6. The leader in Wiltshire will have the power to appoint his cabinet and to decide on particular portfolios for particular cabinet members. Under the new arrangements the majority of executive decisions will be taken by the cabinet, which is likely to comprise members of the administration. It will be a single party cabinet. Behind that there will be Scrutiny Committees that will undertake a degree of Overview and Scrutiny of executive decisions. There will be representation from all parties on the scrutiny body in proportion to their membership on the council. There will be a Regulatory Committee to take decisions of a quasi-judicial nature. This would include matters such as staffing appeals and planning appeals.
7. These arrangements are based upon the principle of separation of function and closely follow the statutory guidance. The new arrangements are expected to work on the basis of checks and balances. In Wiltshire, the leader has indicated that he favours an inclusive approach. He proposes to establish consultative panels of members to advise the cabinet before significant decisions are taken. These advisory bodies are likely to be substantially outside the constitution and governed by protocols. These are likely to be unique to Wiltshire and unlike

the other three components, i.e. Overview & Scrutiny, Regulation and Executive these will not be determined by statutory provisions.

8. A copy of the draft constitution was circulated in July and members are asked to bring their copy to the meeting.
9. The first meeting of the Standards Committee is an opportunity for the members of the Committee to get to know each other.
10. It is further suggested that the committee should consider whether or not it is likely to be large enough to be able to deal with all of the work which is going to come before it.
11. The committee should decide upon an outline programme of work, including the programme of future meetings. It is suggested that the two major issues to be covered first are the Members' Code of Conduct (which is included with the constitution) and consideration of the Constitution.
12. Consideration of the constitution is a major task. Rather than go through it line-by-line it is suggested that it might be more helpful to consider what arrangements the committee would want to adopt in order to be able to review the working of the constitution in, say, 9 - 12 months time. In particular what criteria would the committee want to adopt in order to judge whether or not the constitution has been successful? What mechanisms should be set up to ensure that the views of stakeholders can be passed onto the committee?
13. The Code of Conduct for Members is based upon the government model code. This is the minimum code that a local authority can adopt. Again, unless there is something in particular which occurs to members of the committee, it is suggested that a good use of your limited resources would be to consider what criteria you would want to adopt in order to assess in, say, 6 months time, whether the code has been successful.
14. Members need to bear in mind that at the time of writing this report most of the guidance and legislation is still in draft form, so there may be minor changes in advice to reflect changing central government advice.

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Unpublished documents relied upon in the production of this report:

None

Environmental impact of the recommendations contained in this report:

None

Appendix 1

Standards

1. This committee will comprise 2 members other than the Leader, and 3 voting co-optee(s).
 - 1.1 Promoting and maintaining high standards of conduct by elected members, co-opted members and church and parent governor representatives
 - 1.2 Assisting the elected and co-opted members and church and parent governor representatives to observe the Members' Code of Conduct
 - 1.3 Advising the Council on the adoption or revision of the Members' Code of Conduct
 - 1.4 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
 - 1.5 Advising the Council concerning standing orders and contract regulations
 - 1.6 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
 - 1.7 Overview of internal and external audit
 - 1.8 Approving the Council's statement of accounts, income and expenditure and balance sheet
 - 1.9 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
 - 1.10 Dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer
 - 1.11 Overview of the whistle blowing policy
 - 1.12 Overview of complaints handling and Ombudsman investigations
 - 1.13 Making payments or providing other benefits in cases of maladministration
 - 1.14 Oversight of the constitution.