

AGENDA SUPPLEMENT (1)

Meeting: Standards Committee
Place: The Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Tuesday 25 April 2017
Time: 2.00 pm

The Agenda for the above meeting was published on **13 April 2017**. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

7 **Appointment of Co-opted Members of the Standards Committee (Pages 3 - 8)**

A report from the Monitoring Officer is attached.

9 **Code of Conduct Training (Pages 9 - 10)**

A report from the Monitoring Officer is attached.

DATE OF PUBLICATION: 18 April 2017

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Wiltshire Council

Standards Committee

25 April 2017

Appointment of Co-opted Members of the Standards Committee

Purpose of Report

1. To ask the Standards Committee to review the role, number and arrangements for the appointment of non-voting co-opted members to the Committee and recommend Council accordingly at its Annual General Meeting on 16 May 2017.

Background

2. At its meeting on 26 June 2012 Council approved terms of reference for the Standards Committee as set out in Appendix A.
3. The terms of reference provide for the appointment of up to 8 non-voting co-opted members, 50% of whom must be serving town, parish or city councillors from within the Council's area who are not councillors or officers of the Council.
4. At its meeting on 10 July 2012 Council resolved that four non-voting co-opted members should be appointed for the remainder of the council term, and delegated the appointment to the Standards Committee.
5. Following a selection process overseen by the Standards Committee four non-voting co-opted members were appointed at the meeting of the Committee on 24 October 2012 – Mr John Scragg; Miss Pam Turner; Mr Paul Neale and Mr Philip Gill MBE JP.
6. Council subsequently approved the appointment of these co-opted members for a four year term of office on 14 May 2013, reconfirming the appointments at each annual general meeting of Council.

Main Considerations

7. During their term of office the four co-opted members have provided valuable input to the work of the Standards Committee, enhancing objectivity, both real and perceived, and providing common sense and sound judgment and a parish council perspective on matters involving parish and town councillors.
8. As well as attending meetings of the Standards Committee non-voting co-opted members may serve on Review, Hearing or Dispensations Sub-Committees. Two co-opted members are appointed to serve on the Constitution Focus Group.

9. Since the appointment of the non-voting co-opted members in October 2012 there have been 14 meetings of the Standards Committee, 32 Review Sub-Committees; 1 Hearing Sub-Committee and 17 meetings of the Constitution Focus Group.

10. A number of other authorities in the South West appoint non-voting co-opted members to their Standards Committee, for example:

- Cornwall Council includes 4 lay members, 5 town and parish representatives, 1 serving clerk (allowance £1300 a year)
- Swindon Borough Council 2 lay members and two parish representatives (allowance £1032 a year)
- BANES 3 lay members, 3 parish representatives (expenses only, no allowance)

11. As far as selection is concerned, in the event of the Standards Committee recommending, and Council approving, the appointment of co-opted members, it is proposed that the selection process would be delegated to the Monitoring Officer, in consultation with the Chairman of the Standards Committee, to include convening a selection panel to interview applicants drawn from those who meet the agreed eligibility criteria. These would take place as soon as possible after full Council in May.

Public Health Implications

12. None arising from this report.

Safeguarding Implications

13. None arising from this report.

Procurement Implications

14. None arising from this report.

Equalities Implications

15. The arrangements are consistent with the Council's obligations under the Equality Act 2010.

Risk Implications

16. None arising from this report.

Financial Implications

17. The allowance for a non-voting co-opted member on the Standards Committee is currently £1,120 per year, as approved by Council on 10 July 2012. Therefore, the annual cost has been £4,480. This allowance is subject to review by Council after considering any recommendations of the Independent Review Panel.

Legal Implications

18. The Council has a discretion under the Localism Act 2011 to establish a standards committee to discharge its duty to promote and maintain high standards of conduct of elected and co-opted members and a further discretion to include non-voting co-opted members on any committee so established.

Recommendation

19. The Standards Committee is therefore asked to consider recommending the Council:
- a. whether it wishes to retain the role of non-voting co-opted members on the Standards Committee; and, if so,
 - b. how many non-voting co-opted members should be appointed within the maximum of 8 provided for in the Committee's terms of reference;
 - c. subject to a. and b. above, to delegate the appointment of any non-voting co-opted members to the Standards Committee and the arrangements for selection of such members to the Monitoring Officer in consultation with the Chairman of the Standards Committee.

Ian Gibbons

Associate Director, Legal and Governance, and Monitoring Officer

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Appendices

Appendix A - Terms of reference of Standards Committee

Unpublished Background Papers - None

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Terms of Reference Standards Committee

Composition

This Committee will comprise 13 elected councillors, other than the Leader or any other member of the Cabinet, and up to 8 co-opted non-voting members, 50% of whom shall be serving town, parish or city councillors from within the Council's area who are not councillors or officers of the Council.

Appointments to the Committee will be made annually by the Council having regard to the rules on political proportionality.

The term of office for co-opted non-voting members will normally be 4 years.

Co-opted non-voting members will be eligible for re-appointment for a second term.

Substitutes will be permitted in accordance with Part 4 of the Constitution.

Roles and Function

The Standards Committee is responsible for:

- promoting and maintaining high standards of conduct by elected and co-opted members and officers.
- assisting the elected and co-opted members to observe the members' code of conduct.
- advising the Council on the adoption or revision of the members' code of conduct and the arrangements for dealing with member complaints of misconduct which the Council is required to make under Section 28 of the Localism Act 2011.
- monitoring and advising the Council about the operation of its code of conduct in the light of best practice and any changes in the law.
- advising, and, through the Member Development Group, arranging to train elected and co-opted members on matters relating to the members' code of conduct and ensuring that members are aware of the standards expected of them under the code
- granting dispensations to elected and co-opted members from requirements relating to interests.
- overseeing the operation of the Council's arrangements for dealing with misconduct complaints against members and co-opted members of Wiltshire Council, and parish, town and city councillors in Wiltshire.
- overview of the whistle blowing policy.
- overview of corporate complaints handling and Ombudsman investigations.
- overview of corporate complaints handling and Ombudsman investigations.
- reviewing the implementation of recommendations made by the Ombudsman.
- oversight of the Constitution.

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 will appoint:

- A Hearing Sub-Committee to determine member misconduct complaints under the Council's arrangements.
- A Review Sub-Committee to determine requests for review under the Council's arrangements.
- A Dispensation Sub-Committee to determine requests for dispensation from the requirements relating to interests.

In each case the Sub-Committee shall comprise 3 elected members from whom a chairman will be elected. The Sub-Committee may include 2 non-voting co-opted members of the Standards Committee, one of whom shall be a parish, town or city council representative where the complaint concerns a parish, town or city councillor.

The above Sub-Committees are not subject to the requirements of political balance but are subject to the requirement of a maximum of 2 elected members from any political group. The composition of any sub-committee will be determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee on the basis of member availability, drawing from the membership of the Committee and their substitutes.

Members of the Review Sub-Committee may not serve on the Hearing Sub-Committee for the same or a linked complaint.

For the avoidance of doubt decisions of the Sub-Committees will be made by a simple majority of the elected members present.

Wiltshire Council

Standards Committee

25 April 2017

Code of Conduct Training for Unitary and Parish Councillors

Purpose of Report

1. To ask the Standards Committee to endorse the proposed arrangements for training on the code of conduct for unitary and parish councillors following the local elections in May 2017.

Background

2. All councils in Wiltshire have a duty to promote and maintain high standards of conduct by members and co-opted members. As part of this duty they are required to adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity. Parish, town and city councils may adopt Wiltshire Council's Code of Conduct or they may adopt one of their own, provided that it is broadly consistent with the principles of conduct in public life - selflessness; integrity; objectivity; accountability; openness; honesty and leadership.
3. As principal authority Wiltshire Council is responsible through its Standards Committee and Monitoring Officer for dealing with all complaints made under the respective codes of conduct for the 256 parish, town and city councils within the unitary authority area. Protocol 12 of the Constitution outlines Wiltshire Council's procedure for dealing with such complaints.
4. All members and co-opted members therefore need to be aware of their obligations under their respective codes of conduct.

Training

5. The Standards Committee at its meeting on 21 January 2017 noted that unitary councillors would be offered training on the Code of Conduct and Complaints Procedure as part of their induction process, and strongly urged all elected and co-opted members to attend this session, which would also include obligations in respect of confidentiality.
6. Training on the Code of Conduct will be covered as part of a broader session on law and governance on Tuesday 9 May 2017, led by the Monitoring Officer and Deputy Monitoring Officer. This will cover the behavioural elements of the Code and the rules on registering and declaring interests.
7. Whilst we will endeavour to make the session as informative and helpful as possible, and include time for questions, realistically we will only be able to provide an overview of the essential requirements of the Code within the time available. We

plan, therefore, to offer a follow up session for unitary members at a later date in the nature of a workshop, using case studies to draw out key points in the application of the Code.

8. There is also the need to train new members appointed to the Standards Committee on the role of the Committee and its Review and Hearing Sub- Committees. This could take place before or after the meeting of the Standards Committee on 7 June 2017.
9. With regard to training for parish, town and city councils Wiltshire Council seeks to do all that it can to promote and encourage high standards of conduct across all councils in Wiltshire. However, given the high number of parishes in Wiltshire only limited direct support can be provided within available resources.
10. Training on the code of conduct, particularly on registration and declaration of interests has been provided by the Monitoring Officer and Deputy Monitoring Officer to some parish councils on request. It is understood that parish, town and city clerks also provide training for their councils, with support from Wiltshire Association of Local Councils (WALC) for those councils who subscribe to WALC.
11. It is proposed to arrange regional training sessions on the code of conduct for clerks, chairmen and vice- chairmen of parish, town and city councils and local unitary members in the Autumn, in Trowbridge, Chippenham, Devizes and Salisbury. This will be a two hour practical session focusing mainly on registration and declaration of interests and based on a case study we have already used effectively with some parish councils.
12. We are writing to clerks to make them aware of the proposed training and also intend to publicise the events by chairman's announcements at meetings of the Area Boards.
13. Finally, we are reviewing the information we provide on standards matters on our website to ensure that the information is clear and easily accessible to all clerks, councillors and members of the public.

Financial Implications

14. Training will be provided by Wiltshire Council officers from within existing resources.

Recommendation

15. To ask the Standards Committee to endorse the proposed arrangements for training of unitary and parish councillors on the code of conduct following the elections in May 2017.

Ian Gibbons, Associate Director, Legal and Governance, and Monitoring Officer

Unpublished documents relied upon in the production of this report: None