

AGENDA

Meeting: **STANDARDS COMMITTEE**
Place: **Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU**
Date: **Wednesday 20 July 2011**
Time: **2.00 pm**

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Trowbridge, direct line 01225 718371 or email pam.denton@wiltshire.gov.uk

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

All public reports referred to on this agenda are available on the Council's website at www.wiltshire.gov.uk

Membership:

Wiltshire Council Members

Cllr Nigel Carter, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Julian Johnson, Cllr Howard Marshall and Cllr Ian McLennan

Town/Parish Council Co-opted Members

Mr William Bailey, Mr Craig McCallum, Mr Paul Neale, Mr Robert Oglesby JP, Mr John Scragg, Miss Pam Turner, Mr Keith Wallace and His Hon David MacLaren Webster QC

Independent Co-opted Members

Mrs Jane Bayley, Mr Michael Cronin, Mr Philip Gill MBE JP, Mrs Isabel McCord (Chairman), Mr Stuart Middleton and Mr Gerry Robson OBE (Vice Chairman)

Part 1

Items to be considered when the meeting is open to the public

1. **Apologies**

2. **Minutes of previous meeting** (*Pages 1 - 6*)

To confirm and sign the minutes of the Committee meeting held on 18 May 2011 (copy attached).

3. **Chairman's announcements**

4. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests.

5. **Public Participation and Questions from Committee Members.**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of the agenda (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 13 July 2011. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Minutes of Sub-Committees** (*Pages 7 - 10*)

The Committee is asked to receive and note the minutes of the following Sub-Committee:

Dispensations Sub Committee – 13 May 2011

7. **Annual Governance Statement** *(Pages 11 - 36)*

To consider the report of the Monitoring Officer

8. **Status Report on Complaints made under the Code of Conduct** *(Pages 37 - 40)*

To consider the report of the Head of Governance

9. **Outcome of Standards Hearing Sub Committee** *(Pages 41 - 48)*

To consider the report of the Monitoring Officer

10. **Politically Restricted Posts - Applications for Exemption** *(Pages 49 - 60)*

To consider the report of the Monitoring Officer

11. **Views from focus group on future standards regime** *(Pages 61 - 70)*

To consider the report of the Monitoring Officer

12. **Wiltshire Council Website - Town and Parish Council information** *(Pages 71 - 74)*

To consider the report of the Monitoring Officer

13. **Parish Development Work**

To receive a verbal report from Mr Philip Gill MBE JP

14. **Forward Plan** *(Pages 75 - 76)*

15. **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

16. **Exclusion of the Press and Public**

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 17 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 7(c) of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

17. **Outcome of Standards Hearing Sub Committees** (*Pages 77 - 104*)

Confidential reports of the Monitoring Officer are attached

STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 18 MAY 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Wiltshire Council Members

Cllr Nigel Carter, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Julian Johnson, Cllr Howard Marshall and Cllr Ian McLennan

Town/Parish Council Co-opted Members

Mr William Bailey, Mr Paul Neale, Mr Robert Oglesby JP, Miss Pam Turner and His Hon David MacLaren Webster QC

Independent co-opted Members

Mrs Jane Bayley, Mr Michael Cronin, Mr Philip Gill MBE JP, Mrs Isabel McCord (Chairman), Mr Stuart Middleton and Mr Gerry Robson OBE (Vice Chairman)

Also in attendance: Cllr Francis Morland

27. **Election of Chairman**

The Democratic Services Officer sought nominations for the position of Chairman of the Standards Committee for the 2011/12 municipal year. On being proposed and seconded and there being no other nominations it was

Resolved:

To appoint Mrs Isabel McCord as Chairman of the Standards Committee for the 2011/12 municipal year.

Mrs Isabel McCord in the Chair

The Chairman thanked the members of the Committee and the officers for their support.

28. Election of Vice-Chairman

The Chairman sought nominations for the position of Vice-Chairman of the Standards Committee for the 2011/12 municipal year. On being proposed and seconded and there being no other nominations it was

Resolved:

To appoint Mr Gerry Robson OBE as Vice-Chairman of the Standards Committee for the 2011/12 municipal year.

29. Apologies

Apologies were received from Mr John Scragg, Mr Craig McCallum and Mr Keith Wallace.

30. Minutes of previous meeting

The minutes of the meetings held on 9 March 2011 were presented.

Resolved:

To approve and sign the minutes as a correct record.

31. Chairman's announcements

The Chairman announced changes to the Committee following the meeting of full Council 17 May 2011. She thanked Councillor Hewson for his service on the Committee, and welcomed Councillor Howard Marshall.

The Chairman also welcomed Mr Frank Cain, Head of Legal Services and Deputy Monitoring Officer.

The Chairman went on to inform the Committee that full Council had agreed an extension to her serving as a member on the Standards Committee until the end of the current regime or until May 2012 whichever is sooner.

The Chairman had presented the Standards Committee's Annual Report to Council, noting particularly;

- The Committee's policy on the duration of dispensation certificates for dual-hatted members of Wiltshire Council Area Boards and Town and Parish Councils.
- The breakdown of complaints, determined by the Committee.
- The work on the review of the Constitution.
- The work being undertaken to prepare and support the Council in connection with the new voluntary arrangements proposed in the Localism Bill.

The Chairman informed the Committee Members that due to the refurbishment works being undertaken at County Hall that, meetings would be held in future at

Browfort and Monkton Park. It was agreed that Salisbury should also be considered as a venue for future meetings.

An additional meeting would be held on 23 June 2011, at Monkton Park.

32. Declarations of Interest

Councillor Johnson declared a personal interest in agenda item 10, as Chairman of the New Forest National Park Authority.

33. Public Participation and Questions from Committee Members.

There were no members of the public present.

34. Re-Appointment of Sub-Committees and Focus Group

The Monitoring Officer presented the report, reminding members of the Committee that the usual practice adopted is to appoint the same members to the Consideration and Hearing Sub Committees for each complaint.

Resolved:

To reappoint the following sub-committees and Focus Group on the basis set out in the report:

- (i) Assessment Sub-Committee**
- (ii) Review Sub-Committee**
- (iii) Hearing Sub-Committee**
- (iv) Consideration Sub-Committee**
- (v) Dispensation Sub-Committee**
- (vi) Focus Group on the Review of the Constitution**

35. Standards Committee Plan and Business Plan

The Monitoring Officer presented the report. The Committee had requested that he review the plan to ensure that it was consistent with the Council's Business Plan. Work was continuing in the area of culture and staff were being consulted to define the values to adopt and embed in the organisation. A culture plan was being developed and this would be brought to the Committee. In due course the Chairman and Monitoring Officer would be meeting with the Leader and Chief Executive to discuss this.

The Chairman suggested that it would be valuable for the Leader and Chief Executive to attend the Committee to discuss the role of the standards Committee in supporting the Council in the achievement of its vision and goals. Members of the Committee were mindful of the changing scope of democracy and would welcome an early view of potential changes.

Resolved:

To note the report.

36. Dispensations Applications

The Head of Governance presented the Annual Report on Dispensation Applications. There had been 30 applications for dispensations during the year: the team had been quite busy not only with applications from dual-hatted Area Board members but also from Town and Parish Councillors. The dispensation requests are considered on an individual basis looking at the specific circumstances and duration for each application.

Resolved:

To note the report.

37. Status Report on Complaints made under the Code of Conduct

The Committee discussed the Code of Conduct Complaints Status Report expressing their concern over several cases where the length of time from receiving the complaint to a conclusion was considered to be too long. The Head of Governance explained that complaints that had been dealt with in the early months of the formation of the Unitary Council had taken longer to process due to the heavy workload, complexity of the allegations and lack of resources. This had been rectified. The delays were regrettable but newer complaints were dealt with more effectively. It remains a key objective to improve the efficiency of the process.

Resolved:

To note the report.

38. Outcome of the Standards Committee Workshop on the Localism Bill

The Monitoring Officer gave an update on the Standards Committee Workshop on the Localism Bill. The recommendations of the Focus Group on the Review of the Constitution, held in March 2011 would be brought back to the Committee in September 2011, with a possible recommendation to Council in November 2011.

The Chairman thanked the Monitoring Officer for his update and it was

Resolved:

1) To note the report.

2) To request the Focus Group to place emphasis on how parish and town councils might be supported by Wiltshire Council in adopting voluntary arrangements for standards.

39. Forward Plan

There were two additional items for the 20 July meeting;

- Report on Politically Restricted Posts
- Report on Parish Development Work

And one item for the September meeting,

- Report of the Focus Group on the Review of the Constitution on the future of the standards regime under the proposals in the Localism Bill.

Resolved:

To note the report.

40. **Urgent Items**

There were none.

41. **Exclusion of the Press and Public**

Resolved:

To agree in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the business specified in Item 15 because it is likely that if members of the public were present there would be a disclosure to them of exempt information as defined in paragraph 7c of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

42. **Outcome of Standards Consideration Sub-Committee**

The Committee received a report on the outcome of a consideration sub-committee.

Resolved:

To note the report.

43. **Any Other Business**

Forthcoming meeting of the Focus Group on the Review of the Constitution.

The Chairman explained that a meeting of the Focus Group on the Review of the Constitution would be held in the near future. The purpose of the meeting was to discuss a proposal for the scrutiny of amendments to the budget.

(Duration of meeting: 2.00 - 3.30 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services, direct line 01225 718371, e-mail pam.denton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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STANDARDS DISPENSATION SUB-COMMITTEE

DRAFT MINUTES OF THE STANDARDS DISPENSATION SUB-COMMITTEE MEETING HELD ON 13 MAY 2011 AT COMMITTEE ROOM VII - COUNTY HALL, TROWBRIDGE.

Present:

Mr Michael Cronin, Cllr Ian McLennan and His Hon David MacLaren Webster QC

Also Present:

Nina Wilton – Deputy Monitoring Officer

8. Declarations of Interest

There were no declarations of interest

9. Consideration of a dispensation request - Councillor Georgina Helyer of Steeple Langford Parish Council

The Deputy Monitoring Officer introduced the report and explained that Councillor Helyer is a member of Steeple Langford Parish Council and also a trustee of Steeple Langford Allotment Trust.

Four of the seven Steeple Langford Parish Council members are trustees of the allotment trust and two are allotment holders.

The Deputy Monitoring Officer explained the law and guidance relevant to this request and advised that Councillor Helyer had a personal and prejudicial interest in matters relating to the financial position of the allotments arising from her position as a trustee.

She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England and to the public interest.

Resolved:

To grant a dispensation to run until the next election in May 2013, subject to their being no material change in the circumstances under which this dispensation is granted.

10. **Consideration of a dispensation request - Councillor David Grover of Steeple Langford Parish Council**

The Deputy Monitoring Officer introduced the report and explained that Councillor Grover is a member of Steeple Langford Parish Council, an allotment holder and also lives next door to the allotment site.

Four of the seven Steeple Langford Parish Council members are trustees of the allotment trust and two are allotment holders.

The Deputy Monitoring Officer explained the law and guidance relevant to this request and advised that in her opinion Councillor Grover did have a personal and prejudicial interest in matters relating to the financial position of the allotments arising from his position as an allotment holder and the fact that he lived next door to the allotment site.

She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

The Sub-Committee discussed the nature of Councillor Grover's prejudicial interest and concluded that it was so substantial that the granting of a dispensation would be likely to prejudice the public confidence in the conduct of Steeple Langford Parish Council's business.

Resolved:

Not to grant a dispensation as the sub-committee did not consider that it was in the public interest to do so.

11. **Consideration of a dispensation request - Councillor Christopher Andrews of Steeple Langford Parish Council**

The Deputy Monitoring Officer introduced the report and explained that Councillor Andrews is a member of Steeple Langford Parish Council and also a trustee of Steeple Langford Allotment Trust.

Four of the seven Steeple Langford Parish Council members are trustees of the allotment trust and two are allotment holders.

The Deputy Monitoring Officer explained the law and guidance relevant to this request and advised that Councillor Andrews had a personal and prejudicial interest in matters relating to the financial position of the allotments arising from his position as a trustee.

She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

Resolved:

To grant a dispensation to run until the next election in May 2013, subject to their being no material change in the circumstances under which this dispensation is granted.

12. Consideration of a dispensation request - Councillor Debbie Pemberton of Steeple Langford Parish Council

The Deputy Monitoring Officer introduced the report and explained that Councillor Pemberton is a member of Steeple Langford Parish Council and also a trustee of Steeple Langford Allotment Trust.

Four of the seven Steeple Langford Parish Council members are trustees of the allotment trust and two are allotment holders.

The Deputy Monitoring Officer explained the law and guidance relevant to this request and advised that Councillor Pemberton had a personal and prejudicial interest in matters relating to the financial position of the allotments arising from her position as a trustee.

She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

Resolved:

To grant a dispensation to run until the next election in May 2013, subject to their being no material change in the circumstances under which this dispensation is granted.

13. Consideration of a dispensation request - Councillor Rob Parry of Steeple Langford Parish Council

The Deputy Monitoring Officer introduced the report and explained that Councillor Parry is a member of Steeple Langford Parish Council and also an allotment holder.

Four of the seven Steeple Langford Parish Council members are trustees of the allotment trust and two are allotment holders.

The Deputy Monitoring Officer explained the law and guidance relevant to this request and advised that in her opinion Councillor Parry did have a personal and prejudicial interest in matters relating to the financial position of the allotments arising from his position as an allotment holder.

She reminded the Sub-Committee that, in reaching a decision, they must have regard to guidance from Standards for England.

The Sub-Committee discussed the nature of Councillor Parry's prejudicial interest and concluded that it was so substantial that the granting of a dispensation would be likely to prejudice the public confidence in the conduct of Steeple Langford Parish Council's business.

Resolved:

Not to grant a dispensation as the sub-committee did not consider that it was in the public interest to do so.

(Duration of meeting: 9.30 - 10.00 am)

The Officer who has produced these minutes is Pam Denton, of Democratic Services, direct line 01225 718371, e-mail pam.denton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Wiltshire Council

Standards Committee

20 July 2011

Annual Governance Statement 2010/11

Purpose of the report

1. To ask the Standards Committee to consider a draft Annual Governance Statement for 2010/11 for comment before final approval is sought from the Audit Committee at its meeting in September 2011.

Background

2. The Council is required, as part of its annual review of the effectiveness of its governance arrangements, to produce an Annual Governance Statement (AGS) for 2010/11. This has to be signed by the Leader of the Council and the Chief Executive after final approval by the Audit Committee on 28 September 2011 and forms part of the Statement of Accounts.
3. Based on advice from the Chartered Institute of Public Finance and Accountancy (CIPFA), the AGS should include:
 - an acknowledgement of responsibility for ensuring there is a sound system of governance, incorporating the system of internal control;
 - an indication of the level of assurance that the systems and processes that comprise the Council's governance arrangements can provide;
 - a brief description of the key elements of the governance framework, including reference to group activities where those activities are significant;
 - a brief description of the process that has been applied in maintaining and reviewing the effectiveness of the governance arrangements;
 - an outline of the actions taken, or proposed, to deal with significant governance issues, including an agreed action plan.
4. The AGS for Wiltshire Council should demonstrate how the Council is meeting the six principles of good governance adopted in its Code of Corporate Governance. These principles are:

- focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area;
 - councillors and officers working together to achieve a common purpose with clearly defined functions and roles;
 - promoting values for the council and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
 - taking informal and transparent decisions which are subject to effective scrutiny and managing risk;
 - developing the capacity and capability of councillors and officers to be effective;
 - engaging with local people and other stakeholders to ensure robust accountability.
5. The AGS is primarily retrospective. It reports on the assurance framework and measures in place for the financial year 2010/11, but must take account of any significant issues of governance up to the date of completion on 28 September 2011. The AGS should outline the actions taken or proposed to address any significant governance issues identified.
 6. The AGS is drafted by members of the Governance Assurance Group, which comprises senior officers who have lead roles in corporate governance and member representatives from the Audit Committee and the Standards Committee.
 7. The evidence for the AGS comes from a variety of sources, including an assurance framework, directors' assurance statements, relevant lead officers within the organisation and external auditors and inspection agencies.

Draft AGS - Content

8. A copy of the draft AGS for 2010/11 is attached at Appendix 1.
9. The draft reflects the elements described in paragraph 3 of this report and has regard to revised guidance from CIPFA. The draft is based on work undertaken to date and will be revised in the light of further work by the Governance Assurance Group and any observations of this Committee, Cabinet, Audit Committee and the Council's external auditors, KPMG.

10. The Committee's attention is drawn particularly to the provisions of the draft AGS which are directly relevant to the work of the Standards Committee. These are found at:

- paragraph 12 on page 124
- paragraph 19 on page 125
- paragraphs 60 – 67 on pages 132-133

11. A first draft of the AGS was considered by the Audit Committee on 29 June 2011. The relevant minute of their decision is set out below:
The Monitoring Officer, Ian Gibbons, presented the Draft Annual Governance Statement (AGS) for 2010-11 for the Committee's preliminary comments.

It was noted that the Council was required to prepare and publish an AGS as part of its annual review of the effectiveness of its governance arrangements, meeting the six principles of good governance adopted in its Code of Corporate Governance.

The draft AGS would be revised in the light of any comments this Committee, or any other body consulted, wished to make and the ongoing review work by the Assurance Group.

The draft AGS would be presented to Cabinet, the Standards Committee and KPMG, External Auditors, with any comments being presented to this Committee at its meeting on 28 September 2011 when the AGS would be presented for final approval.

Members noted that significant progress had been in the area of the Housing Landlord Service Improvement Plan and questioned whether this needed to remain as a significant governance issue. The Committee asked the Assurance Group to keep this under review and to:

- a. refer in the AGS to the new requirement to refer internal audit reports to Cabinet Members;*
- b. review the governance arrangements for section 106 agreements;*
- c. include outstanding harmonisation issues arising from LGR as part of the significant governance issue relating to the Transformation Programme.*

Resolved:

- 1) To ask the Assurance Group to review and amend the AGS in light of the above comments.**
- 2) To note that the draft AGS will be revised further in the light of ongoing work by the Assurance Group and any comments of the**

Standards Committee and Cabinet, before being brought back to the Committee for final approval on 28 September 2011.

12. Section C of the AGS describes the Council's governance framework for the relevant period, namely April 2010 to date. The final version will need to reflect the position up to the date of approval and signature in September 2011.
13. Section D provides a review of the effectiveness of the Council's governance framework. This section has been structured to reflect the key governance principles set out in the Council's Code of Corporate Governance.
14. The levels of assurance obtained from the range of audits completed during the year has led Internal Audit to the provisional overall audit opinion that for 2010-11 it is able to give a substantial assurance on the adequacy and effective operation of the Council's overall control environment.
15. The Governance Assurance Group is obtaining assurance statements from directors in relation to their services. These will be reviewed over the summer period and any issues which impact upon the Council's governance arrangements will be included in a further revision of the draft AGS and highlighted at the Audit Committee meeting in September 2011.
16. Section E of the draft AGS requires the Council to identify any significant internal control issues affecting the Council during the relevant period.
17. CIPFA guidance suggests that an internal control issue is to be regarded as significant if:
 - the issue has seriously prejudiced or prevented achievement of a principal objective;
 - the issue has resulted in a need to seek additional funding to allow it to be resolved, or has resulted in significant diversion of resources from another aspect of the business;
 - the issue has led to a material impact on the accounts;
 - the audit committee, or equivalent, has advised that it should be considered significant for this purpose;
 - the Head of Internal Audit has reported on it as significant, for this purpose, in the annual opinion on the internal control environment;
 - the issue, or its impact, has attracted significant public interest or has seriously damaged the reputation of the organisation;

- the issue has resulted in formal action being taken by the Chief Financial Officer and/or the Monitoring Officer.

18. The following have been identified as significant governance issues at this stage in view of their size, complexity and impact on the delivery of the Council's priorities:

- SAP financial systems
- Housing Landlord Service Improvement Plan
- Implementation of the Transformation Programme
- Managing significant reductions in Government funding and changes in legislation
- Governance arrangements for dealing with complaints involving third parties

19. Details on these issues are set out at paragraphs 95-104 of the draft AGS.

20. Any variation or further significant governance issues that are identified will be reported to the meeting of Audit Committee in September for final consideration and approval.

21. KPMG will be consulted on the draft AGS and their comments will be taken into account in the presentation of the final version to the Committee in September.

Financial implications

22. There are no financial implications arising directly from the issues covered in this report.

Risk Assessment

23. The production of the AGS is a statutory requirement. Ongoing review of the effectiveness of the Council's governance arrangements is an important part of the Council's risk management strategy.

Environmental Impact

24. There is no environmental impact regarding the proposals in this report.

Equality and Diversity Impact

25. There are no equality and diversity issues arising from this report.

Reasons for the Proposal

26. To prepare the AGS 2010/11 for publication in accordance with the requirements of the Audit and Accounts Regulations.

Proposal

27. The Committee is, therefore, asked:

- a. to consider the draft AGS as set out in Appendix 1 and to make any amendments or observations on the content;
- b. to note that the draft AGS will be revised in the light of any comments this Committee may wish to make and the ongoing review work by the Governance Assurance Group. It will then be considered by Cabinet before being taken back to the Audit Committee for final approval and publication by 30 September 2011.

Ian Gibbons
Solicitor to the Council and Monitoring Officer

Report Author: Marie Lindsay, Ethical Governance Officer

Unpublished documents relied upon in the production of this report:

None.

Annual Governance Statement

2010-11

DRAFT



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Section D

Review of Effectiveness

Focus on the purpose of the authority and on outcomes for the community, creating and implementing a vision for the local area

Engaging with local people and other stakeholders to ensure robust public accountability

Ensuring that members and officers work together to achieve a common purpose with clearly defined functions and roles

Promoting high standards of conduct and behaviour, and establishing and articulating the authority's values to members, staff, the public and other stakeholders

Taking informed, risk based and transparent decisions which are subject to effective scrutiny

Developing the capacity of members and officers to be effective in their roles

Section E

Significant Governance Issues

A. Scope of Responsibility

1. Wiltshire Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. We also have a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
2. In discharging this overall responsibility, the Council is also responsible for putting in place proper arrangements for the governance of its affairs, including the management of risk, and facilitating the effective exercise of its functions.

B. The Purpose of the Governance Framework

3. The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and the activities through which the Council accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
4. The assurance framework and the system of internal control are significant parts of that framework. They are designed to manage risk to a reasonable level. They cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The assurance framework and the system of internal control are based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The assurance framework also provides a mechanism for monitoring and implementing a system of continuous governance improvement.
5. The governance framework has been in place at the Council for the year ended 31 March 2011 and up to the date of approval of the statement of accounts for 2010/11.

C. The Governance Framework

6. The Council's governance framework comprises a broad range of strategic and operational controls, which work together to ensure the sound running and well being of the Council. The key elements are summarised below.
7. Documents referred to are available from the Council or may be viewed on the Council's website (www.wiltshire.gov.uk).

Purpose and Planning

8. The Council's vision and goals are set out in its 4 year Business Plan, which was adopted by the Council on 22 February 2011. The Council's vision is to create stronger and more resilient communities and in support of this it has the following goals:
 - provide high quality, low cost customer focused services;
 - ensure local, open and honest decision making;
 - working with our partners to support Wiltshire's communities.
9. The Business Plan is supported by a Financial Plan, which demonstrates how it will be funded. The management of the Council's strategic risks helps achieve the Council's objectives.

Policy and Decision-Making Framework

10. The Council's Constitution provides the framework within which the Council operates. It sets out how decisions are made and the procedures which must be followed to ensure that these are efficient, effective, transparent and accountable.
11. The Constitution defines the role and responsibilities of the key bodies in the decision-making process - the Council, Cabinet, and Committees, including the Strategic Planning Committee, Area Planning Committees, Licensing Committee, Overview and Scrutiny Select Committees, Standards Committee, Audit Committee, Staffing Policy Committee, Officer Appointments Committee and Area Boards.
12. The Constitution is reviewed regularly by the Monitoring Officer and the Standards Committee to ensure that it remains fit for purpose. The last major review was undertaken during 2010 by the Standards Committee with the assistance of its Constitution Focus Group. Amendments were agreed by the Council and implemented from 1 December 2010.
13. The Leader, Cabinet, and the Area Boards are responsible for discharging the executive functions of the Council, within the budget and policy framework set by the Council.
14. The Council publishes a Forward Work Plan once a month giving details of all matters anticipated to be considered by the Cabinet over the following 4 months, including items which constitute a key decision.
15. Schemes of Delegation are in place for Cabinet Committees, Cabinet Members and Officers to facilitate efficient decision-making. The Leader has established two Cabinet Committees - the Cabinet Capital Assets Committee and the Cabinet Business Relief Committee.

16. The Council has established 18 area committees known as Area Boards. Each area board exercises local decision making under powers delegated by the Leader.
17. The Overview and Scrutiny arrangements consist of four main select committees covering Organisation and Resources, Children's Services, Environment, and Health and Adult Social Care. The Select Committees have established a number of standing and ad hoc task groups to undertake detailed monitoring and reviews. Rapid scrutiny exercises provide other opportunities when time constraints exist. Scrutiny member representatives can also be appointed to boards of major projects.
18. These arrangements serve to hold the Cabinet, its Committees, individual Cabinet Members and Corporate and Service Directors to public account for their executive policies, decisions and actions.
19. The Standards Committee is responsible for:
- promoting and maintaining high standards of conduct by Members and Officers across the Council;
 - determination of complaints under the Members' Code of Conduct;
 - oversight of the Constitution, complaints in relation to the Council's services, and the whistle blowing policy.

The Standards Committee is chaired by an independent member.

20. The Audit Committee is responsible for:
- monitoring and reviewing the Council's arrangements for corporate governance, risk management and internal control;
 - reviewing the Council's financial management arrangements and approving the annual Statement of Accounts;
 - focusing audit resources;
 - monitoring the effectiveness of the internal and external audit functions;
 - monitoring the implementation of agreed management actions arising from audit reports.

Wiltshire Pension Fund

21. The Wiltshire Pension Fund is overseen by the Wiltshire Pension Fund Committee. This Committee has its delegated power from the full Council, rather than the Executive (Cabinet), so as to avoid any conflict of interest (e.g. in relation to the setting of employer contributions).

22. This Committee is responsible for all aspects of the fund, including:
- the maintenance of the fund;

- preparation and maintenance of policy, including funding and investment policy;
- management and investment of the fund;
- appointment and review of investment managers.

23. The Wiltshire Pension Fund Committee exercises its responsibilities in relation to investment management when it sets investment policy and appoints/monitors external investment managers.

Regulation of Business

24. The Constitution contains detailed rules and procedures which regulate the conduct of the Council's business. These include:

- Council Rules of Procedure
- Budget and Policy Framework Procedure
- Financial Regulations and Procedure Rules
- Contract Regulations
- Members' Code of Conduct
- Officers' Code of Conduct
- Corporate Complaints Procedure

25. The statutory officers - the Head of Paid Service (Chief Executive), the Monitoring Officer (Solicitor to the Council) and the Chief Finance Officer have a key role in monitoring and ensuring compliance with the Council's regulatory framework and the law. The statutory officers are supported in this role by the Council's legal and democratic services, finance, governance and procurement teams and by Internal Audit.

26. The following bodies have an important role in ensuring compliance:

- Audit Committee
- Overview and Scrutiny Committees and Task Groups
- Standards Committee
- Internal Audit
- External Audit and Inspection Agencies.

27. The Council has established a Governance Assurance Group whose membership is composed of senior officers with lead responsibility for key areas of governance and assurance, together with an elected member who is the vice-chair of the Audit Committee, and a member of the Standards Committee. Other officers and members attend by invitation to provide the Group with information about issues on which the steering group is seeking assurance. Officers can also bring any concerns about the Council's governance arrangements forward to the Group for consideration.

29. The Governance Assurance Group meets regularly, and has a forward work plan. It is responsible for gathering evidence for and drafting the Annual Governance Statement. It identifies any potential significant governance issues throughout the year, and oversees the implementation of measures to address these. It has a key role in promoting and supporting sound governance across the organisation.
30. The Group is supported by the Chief Executive, who acts as a link between the Group and the Corporate Leadership Team, ensuring that issues and activities identified by the Group are considered and addressed.

Management of Resources, Performance and Risk

Financial management

31. Financial management and reporting is facilitated by:

- monthly reports to Cabinet on the Council's Revenue Budget and Capital Programme;
- regular review by the Corporate Leadership Team;
- bi-monthly consideration of these reports by the Budget and Performance Task Group;
- budget monitoring by Service Managers;
- compliance with the Council's Budgetary and Policy Framework, Financial Regulations and Financial Procedure Rules;
- compliance with external requirements, standards and guidance;
- publication of Statement of Accounts;
- overseeing role of the Audit Committee.

32. The Council's financial management arrangements are consistent with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government, issued in 2010.

Performance and Risk Management Reporting

33. The Council's Business Plan sets out how the Council will:

- protect our most vulnerable citizens by investing in their services;
- invest in the future of Wiltshire by enhancing key service areas;
- keep the council tax low.
- make savings to cover the cut in government funding and projected investments.

34. It also identifies the benefits and outcomes to be delivered over the next four years. These are supported by corresponding programmes and measures, with clear responsibilities for delivery. A new 'scorecard' approach will be introduced in 2011/12 to report progress on the Business

Plan. This builds on the quarterly progress reports used for the Corporate Plan in 2010/11.

35. The Risk Management Strategy has been reviewed to ensure that risk management arrangements remain appropriate and reflect the Business Plan. The revised strategy strengthens risk management arrangements and complies with good practice so that opportunities and threats are identified and managed to help achieve the Council's priorities.
36. Reports which cover the significant corporate risks are submitted to the Corporate Leadership Team on a quarterly basis and to the Audit Committee six monthly.
37. The Council's Business Continuity Policy provides a framework to maintain and develop business continuity arrangements at both corporate and service levels. It sets out the responsibilities of different management levels and groups as part of this process. Within this framework the Council has a Corporate Business Continuity Plan, which outlines the arrangements that will operate in the event of a major service disruption. Service Business Continuity Plans are being developed in conjunction with the Corporate Business Continuity Plan to address service specific issues and incidents.

Internal Audit

38. The main role of Internal Audit is to provide an independent and objective opinion to the Council on its internal control environment, comprising risk management, control and governance by evaluating its effectiveness in achieving the Council's objectives.
39. Internal Audit has the following additional responsibilities:
 - providing support to the Chief Finance Officer in meeting his responsibilities under Section 151 of the Local Government Act 1972, to make arrangements for the proper administration of the Council's financial affairs;
 - investigating any allegations of fraud, corruption or impropriety;
 - advising on the internal control implications of proposed new systems and procedures.
40. The annual Internal Audit Plan is based on an assessment of risk areas, using the most up to date sources of risk information, in particular the Council's Corporate and Service Risk Registers. The Plan is agreed with Corporate Directors and Service Directors, and presented to the Audit Committee for approval. The Committee receives reports of progress against the plan throughout the year. The Internal Audit Annual Report summarises the results and conclusions of the audit work throughout the year, and provides an audit opinion on the internal control environment for the Council as a whole.

External Audit and Inspections

41. The Council is subject to reviews by external inspection agencies, including the Audit Commission, OFSTED, and the Care Quality Commission (CQC). The results of these inspections are used to help strengthen and improve the Council's internal control environment and help secure continuous improvement.
42. The government has announced that the Audit Commission will be disbanded and we will look at the proposals for new external audit arrangements as these become available.

Directors' Assurance Statements

43. ***[This section is to be completed following review of the Directors' Assurance Statements]***

Monitoring Officer

44. The Monitoring Officer has not made any adverse findings in the course of the exercise of his statutory responsibilities. ***(Keep this under review none as yet this year)***

D. Review of Effectiveness

45. The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the executive managers within the Council who have responsibility for the development and maintenance of the governance environment, the Head of Internal Audit's annual report, and also by comments made by the external auditors and other review agencies and inspectorates.
46. The key principles of corporate governance are set out in the Council's Code of Corporate Governance as follows:
 - Focusing on the purpose of the Council and on outcomes for the community, creating and implementing a vision for the local area;
 - Engaging with local people and other stakeholders to ensure robust public accountability;
 - Ensuring that members and officers work together to achieve a common purpose with clearly defined functions and roles;
 - Promoting high standards of conduct and behaviour, and establishing and articulating the Council's values to members, staff, the public and

other stakeholders;

- Taking informed, risk based and transparent decisions which are subject to effective scrutiny; and
- Developing the capacity of members and officers to be effective in their roles.

47. The effectiveness of the Council's assurance framework and system of internal control is assessed against these six principles.

Focus on the purpose of the Council and on outcomes for the community, creating and implementing a vision for the local area

48. The Council's vision and goals are set out in its Business Plan 2011-2015. This is consistent with the long term priorities that are set out in the Community Plan 2011-2026.

49. The Community Plan (our sustainable community strategy) was developed with partners during 2010/11 and approved by the Council on 17 May 2011. It gives partner organisations a set of general principles to check their plans against. It has three long term priorities:

- Creating an economy that is fit for the future;
- Reducing disadvantage and inequalities;
- Tackling the causes and effects of climate change.

Engaging with local people and other stakeholders to ensure robust public accountability

50. The Council has taken steps to make its purpose and responsibilities clear to staff and the community it serves. These have included:

- A series of 18 community area seminars during March and April 2011 discussing the Council's approach to localism as set out in the Business Plan, what this means for communities and the role local people can play in the future.
- Regular staff briefings by the Leader and Chief Executive and involvement in the corporate induction process.
- Communication channels, including the Council's website and Intranet, Team Wire and Elected Wire (an on-line briefing for staff and councillors respectively), Your Wiltshire residents magazine, delivered to all households in Wiltshire and providing information about Council services, how to get involved, and information from partner agencies. The Council also arranges face-to-face events, including road shows, area boards, contact centres, customer forums

and exhibitions.

51. The ongoing development of area boards has played a key role in ensuring robust public accountability and engagement with more than 7,200 people attending area board meetings. Over 1,000 local issues have been resolved and over £ 750,000 has been allocated to support 250 community projects, generating in excess of £ 3 million of external funding and investment in our communities.
52. The governance arrangements for the area boards is set out in the Council's Constitution and in further detail in the Area Board Handbook.
53. The Leader undertook a review of the operation of area boards in 2010, involving consultation with councillors, parish councillors, officers, partners and the general public. The review highlighted a number of actions to be taken to develop area boards, and in particular to:
 - ensure that a representative cross section of the community is engaged at a local level;
 - enhance the area boards' decision making role;
 - clarify and promote the role of the community area partnerships;
 - raise public awareness of the area boards;
 - recognise and enhance the role of parishes within the area board framework.
54. A further review will be undertaken during 2011 to assess progress in addressing these issues.
55. Town and Parish Councils have been consulted to determine which functions and responsibilities they would like to have delegated to them and this work continues to be developed. During 2010/11 a number of council assets were transferred to parish councils and other community groups. The Council has adopted a policy for the transfer of assets and continues to keep the governance issues under review.
56. The Council has developed a four year procurement plan that aims to deliver £ 36 million of cashable savings to the Council's revenue budget. The plan is governed by the Corporate Procurement Board, which is chaired by the Director of Resources and has membership from each of the Council's departments at service director level, as well as the Cabinet Member for Procurement.

57. The procurement plan aims to deliver the necessary savings by:

- influencing future spend with our external supplier base;
- negotiating existing arrangements with our key suppliers;
- redesigning and streamlining our procurement processes to make them more efficient;
- developing procurement staff to enable them to deliver the procurement plan.

58. The existing Partnership Protocol and Register has been reviewed and updated to ensure that all partnerships across Wiltshire Council are captured. The revised protocol will ensure that partnerships are underpinned by good governance and to complement the protocol a new electronic database and supporting guidance have been developed.

Ensuring that members and officers work together to achieve a common purpose with clearly defined functions and roles

59. The Constitution sets out clearly the roles and responsibilities of members and officers in the decision making process. This includes schemes of delegation which were reviewed in 2010 as part of the review of the Constitution.

60. The Council has adopted a Member and Officer Relations Protocol which:

- outlines the essential elements of the relationship between members and officers;
- promotes the highest standards of conduct;
- clarifies roles and responsibilities;
- ensures consistency with the law, codes of conduct and the Council's values and practices; and
- identifies ways of dealing with concerns by members or officers.

Promoting high standards of conduct and behaviour, and establishing and articulating the authority's values to members, staff, the public and other stakeholders

61. All staff are required to meet high standards of ethical conduct under the Officers' Code of Conduct. A revised Code of Conduct for Officers was introduced in May 2010.

62. The Council has a Whistle Blowing Policy and an Anti-Fraud and Corruption Policy which were updated in 2010. It has also introduced an Anti Money Laundering Policy. The Standards Committee receives an annual report on the effectiveness of these policies. The Audit Committee has responsibility for monitoring the implementation of the Anti Fraud and Corruption Policy and Strategy.

63. The Council's Governance Team is responsible for customer complaints, access to information legislation, the Code of Conduct for Members, and the promotion of good governance within the Council and with key partners, including the town and parish councils of Wiltshire. This helps to ensure that robust governance arrangements are supported across the Council.
64. The Council is developing a culture that reflects a modern, new organisation that embraces change, treats everybody fairly and values diversity. To this end it has agreed the following core values:
- Placing its customers first;
 - Strengthening its communities;
 - Adopting a 'can-do' approach in everything it does.
65. The Council's Standards Committee plays an important role in overseeing and promoting ethical governance throughout the Council, and this role is established in the Council's Constitution. Further information on its work is contained in its Annual Report for 2010-11. In particular, the Committee is playing an active role in ensuring that the Council has in place arrangements to promote and maintain high standards of conduct following the proposed abolition of the current statutory standards regime as a result of the Localism Bill.
66. The Standards Committee has maintained oversight of ethical governance, receiving reports on the efficacy of the whistle-blowing procedure, customer complaints procedures, the member's Register of Interests, and a range of other governance matters.
67. The Committee has fulfilled its statutory role by receiving, assessing and determining complaints brought under the Code of Conduct for Members in Wiltshire Councils, and has worked to ensure that the processes that underpin this statutory function are kept under review to ensure that they work effectively.

Internal Audit

68. Internal Audit represents an important element of the Council's internal control environment, and to be effective it must work in accordance with the Code of Practice for Internal Audit in Local Government, which lays down the mandatory professional standards for the internal audit of local authorities. The latest review of Internal Audit by the Council's external auditors, KPMG, confirmed that Internal Audit is meeting the various standards laid down by the Code of Practice.
69. The Internal Audit Annual Report summarises the results and conclusions of the audit work throughout the year, and provides an independent audit opinion on the internal control environment for the Council as a whole.

70. The levels of assurance obtained from the range of audits completed during the year has led Internal Audit to the overall audit opinion that for 2010-11 it is able to give a substantial assurance on the adequacy and effective operation of the Council's overall control environment. This represents an improvement over the previous year, when the audit opinion was one of limited assurance, following the major structural reorganisation of moving from five councils into one.
71. The response of management throughout the Council to the results of audit work has continued to be positive and constructive, and in the main appropriate action is being taken to manage the risks identified in audit reports. Progress on the implementation of agreed management actions is reported regularly to the Audit Committee.

External Audit

69. The latest report to those charged with governance, issued by KPMG in respect of Wiltshire Council for 2009/2010, was presented to the Audit Committee in September 2010. The Letter summarised the key issues arising from the audit of Wiltshire Council for the year ended 31 March 2010 and an assessment of the Authority's arrangements to secure value for money in its use of resources.
70. The Letter highlighted the key messages as follows:
- Following the change in government, the use of resources assessment at local authorities ceased with immediate effect in May 2010. The Authority therefore did not receive scores in respect of the 2010 assessment.
 - KPMG concluded that "overall, there are sufficient procedures in place for Managing Finances, with significant improvements noted in the financial statements process." However, KPMG highlighted "that improvements could be made in cost/performance benchmarking, fees and charges strategy and debt monitoring."
 - KPMG concluded that "The Council continues to actively manage its resources with a significant programme in place to rationalise its assets, but areas of improvement can still be made in workforce planning arrangements and obtaining internal and external feedback on staffing matters. Procedures for Governing the Business remain robust overall, and improvements have been made in Data Security"
 - KPMG stated that they "have worked with officers throughout the year to discuss specific risk areas. The Authority addressed the majority of issues appropriately. There were also a couple of areas where the Authority has made significant adjustments to the accounts following further considerations made arising from the audit process."

- An unqualified audit opinion was issued for the 2009/2010 Statement of Accounts. They also reported that the wording of the 2009/2010 Annual Governance Statement accords with their understanding.

Taking informed, risk based and transparent decisions which are subject to effective scrutiny

71. Cabinet Members and Officers exercising delegated powers are required to take decisions in accordance with their respective schemes of delegation. The Leader's protocol for decision-making by Cabinet Members ensures transparency by requiring publication of the intention to make a decision on 5 clear days' notice and the final decision.
72. Risk assessment forms an integral part of management reporting supporting the decision making process.
73. Work of the Council's Overview and Scrutiny Select Committees, task groups and associated activities have focused on:
- Supporting/challenging the delivery of one council benefits and efficiencies, service redesign, harmonisation and transformation;
 - Monitoring the performance of the Council's major service providers including external contractors and partners;
 - Reviewing the implementation of major corporate projects;
 - Monitoring the Council's (and its statutory partners) performance against targets;
 - Engaging in the Council's budget setting process and budget monitoring;
 - Engaging in the development of the Council's new (four year) Business Plan;
 - Initiating reviews into matters of local concern relating to service delivery and contributing to the development and review of policy, including:
 - Gynaecological cancer services, out of hours services, end of life care strategy, Care Quality Commission annual assessment and inspection report, Focus project, Local Safeguarding Adults Board, burn care and soft tissue sarcoma services, GWR ambulance services performance, Dementia Strategy, Helping People to Live at Home review, head and neck cancer services, funding of carers services, mental

health services reconfiguration, older people accommodation strategy.

- Carbon reduction plan, PFI for housing, flood risk management, Local Transport Plan, renewable energy, car parking and waste collection.
- special educational needs (SEN) in mainstream schools, special schools and post-16 SEN, placements for looked after children, adoption and fostering processes, PFI schools, and provision of 16-19 education in specific areas of the county. In considering Cabinet proposals for changes to special educational needs, scrutiny members expressed concern that the public consultation had not aided people's understanding of the relevant issues and the objectives of the review. In response, the Cabinet implemented a number of measures to improve the Council's public consultations in the future.

74. The work undertaken by the Audit Committee this year has included:

- review and approval of the first Annual Governance Statement and Statement of Accounts of the new Council for 2009/10;
- review of the work and findings of Internal Audit, including the Annual Report and audit opinion on the control environment;
- review of the Council's risk managements arrangements;
- review of the work and findings of External Audit, including the Annual Audit Letter and Report to Those Charged with Governance.

75. Risks are identified and monitored by service departments. Significant risks are identified and reviewed on a regular basis by the Corporate Risk Management Group. Reports are issued on the significant risk areas through the Council's reporting arrangements. Training on Risk Management is delivered to Members annually, including the development of specific training for staff involved in risk arrangements as a result of their work.

76. The risks associated with major projects are managed through project management arrangements with regular reporting to the relevant boards and member bodies.

77. From March 2010 work has focused on improving the Corporate Business Continuity Plan. Representatives of services that would have to take a lead role in various kinds of service disruption were involved in designing the response arrangements to ensure that they are realistic and appropriate. The benefit of these arrangements is that they are sufficiently generic to respond to a wide range of service disruptions, using in-house resources as a first line of defence and taking advantage of the flexibility provided by the Campus and Operational Delivery Programme. The

Corporate Business Continuity Plan was presented to the Corporate Leadership Team in November 2010 and has been published internally.

78. Awareness of the business continuity process and response arrangements has been variable across the organisation. Since December 2010 Business Impact Analyses data quality has improved through individual reviews on a service level. Further work will be undertaken with service representatives to improve and embed their business continuity arrangements within their services and to widen the general awareness of business continuity amongst all employees. This will also be used to introduce the identification of expected costs of business continuity strategies.
79. The Business Continuity Policy was reviewed in summer 2010 in order to improve management arrangements.
80. The Council's Business Plan sets out how the Council will manage the risks and challenges arising from the reduction in government funding (28.4% over the next 4 years), and the substantial changes in the way local government is organised.

Developing the capacity of members and officers to be effective in their roles

81. The Council is committed to the ongoing development of its members and recognises the importance of building up the capacity and effectiveness of its members.
82. The Council's Councillor Development Policy:
 - establishes members' individual training needs and allocates budget according to the Council's priorities;
 - ensures equality of access to funds and training events;
 - evaluates the effectiveness of councillor development annually to inform the allocation of funding for future years.
83. A cross party Councillor Development Group meets every eight weeks to monitor the budget and to discuss progress and ideas on member development. The group will submit its application for charter status during 2011.
84. A Comprehensive Councillor Development Programme has been produced for 2011/12. This covers a range of topics from community leadership to ICT skills and links in with the corporate aims and values of the Council. The programme also anticipates the new challenges that will be faced by councillors in relation to the big society and localism agenda.
85. Councillors are asked to complete a training needs assessment form each year and are also offered a one to one meeting with a learning and development professional. The training needs highlighted by this process

are taken into account when producing the development programme to ensure that it is member led.

86. Wiltshire Council continues to deliver key actions from the People Strategy 2008-2012. The People Strategy is being refreshed to link and support the key priorities identified in the Council's Business Plan. The delivery of the People Strategy is critical to enabling us create the capacity we need to work in different ways and successfully meet current and future challenges.

87. Key priorities are:

- Leadership and Management Development - Programmes of development ongoing;
- Councillor Development - a programme has been developed with and for Elected Members;
- Performance Development Framework (Appraisal) refreshed to incorporate the new Council Values and Behaviours and in an electronic format;
- A business focused blended learning programme of employee learning which will include the changing capability requirements e.g. commissioning and partnership skills;
- Corporate Workforce Planning framework - the organisational wide workforce plan is critical in identifying the people resources required now and in the future to deliver the priorities identified in the Business Plan;
- Continue to deliver a programme of Harmonisation of Terms and Conditions;
- Continue to deliver an Employee Assistance Programme in partnership with Job Centre Plus, Independent Financial Advisers and Occupational Health for managers and staff who are at risk of redundancy as part of Service Reviews and operational restructuring;
- Revision of Terms and Conditions of employment to deliver savings to ensure that we have a set of terms and conditions that helps us to compete effectively in the labour market and support retention of key knowledge and skills required to deliver services.

E) Significant Governance Issues

94. The following have been identified as significant governance issues in view of their size, complexity and impact on the delivery of the Council's priorities:

SAP Financial Systems

95. Last year's Annual Governance Statement identified a significant governance issue with regard to the implementation of the SAP system to administer the Council's core financial systems. This represented a very significant transition for the processing of financial transactions, with the result that during the transitional period in 2009-10 there was an adverse

impact on system controls.

96. Since that time considerable work has been undertaken throughout 2010-11 in order to ensure that financial controls have been improved within SAP systems. In addition, further work has been undertaken and is in progress as follows, in order to ensure that the Council derives the maximum benefit from its implementation of SAP:

- The Council's external auditors, KPMG, undertook a post-implementation review of SAP, which was reported to the Overview and Scrutiny Organisation and Select Committee in November 2010, and the Audit Committee in December 2010. The report concluded that ultimately the Council had achieved a great deal in successfully implementing a major SAP system. Nevertheless, the report identified a series of recommendations aimed at improving the management of future major projects, and these are being taken forward as part of current proposals for the further development of SAP.
- In order to rationalise, improve and develop SAP further, and help meet corporate plans to improve efficiency and effectiveness, a programme of work is underway to address both short-term implementation developments in SAP, and longer-term development needs. The overall aims of this work are to improve users' experience of SAP, reduce duplication and maintenance of data, and deliver meaningful and timely management information to service managers.

Housing Landlord Service Improvement Plan

97. Following a poor Audit Commission report in May 2010 an improvement plan was developed that put in place over 100 actions, addressing all the recommendations arising from the inspection and reflecting local aspirations. Three quarters of the actions in the plan have been completed.

98. In May 2011 Cabinet agreed a new plan for improvement of the Council's Housing Landlord Service, addressing the remaining actions from the initial plan, but within a new context resulting from major changes in finance, regulation, tenancies and allocations, and new service standards developed by the Tenants Services Authority.

99. The new plan contains just over 40 key actions which ensure that focus is maintained on the areas of weakness.

100. Progress against the new plan will be monitored carefully.

Implementation of the Transformation Programme

101. In February 2011 the Council approved a comprehensive Business Plan, setting out how it intends to meet the significant challenges that the Council is facing over the next four years and deliver its vision to create stronger and more resilient communities. The Business Plan is ambitious and involves major transformational change to make the Council as efficient as possible and equipped for the future.
102. The Council is developing robust governance arrangements to underpin the delivery of the Business Plan and the effective management of the risks involved.

Managing Significant Reductions in Government Funding and Changes in Legislation

103. Following the General Election in May 2010 and the Coalition Government's Comprehensive Spending Review, the Council is required to absorb a reduction of 28.4% in grant funding from the Government over the next four years and respond to major changes in local government legislation. At the same time it must manage the increasing demand for services, for example, to protect vulnerable children and adults. The Council's Business Plan sets out how these challenges will be met, but the position needs to be closely monitored to ensure that the pressures arising from these changes, particularly in children and adult care services, are effectively managed.

Governance Arrangements for Dealing with Complaints Involving Third Parties

104. The Council is undertaking a review of its governance arrangements for dealing with complaints made to the Council about third party bodies with which it is involved. This follows a review of the Council's handling of a complaint regarding an equality and diversity issue in which two other organisations were involved.

Jane Scott
Leader of the Council

Andrew Kerr
Chief Executive

Code of Conduct Complaints Status Report

	Cases received	Cases open (cumulative)	Assessed by Committee – investigation	Assessed by Committee – no investigation	To be assessed by Committee/other	Cases closed
April 2009 to December 2009	44	23	18	10	16	21
January 2010 to December 2010	33	18	4	27	2	38

Appeals received
1 (original decision overturned)
9 (original decision upheld)

Month 2011	Cases received	Cases open (cumulative)	Assessed by Committee – investigation	Assessed by Committee – no investigation	To be assessed by Committee/other	Cases closed
January	3	21	0	3	0	0
February	12	30	0	12	0	3
March	8	32	0	8	0	6
April	10	42	1	9	0	0
May	5	38	4	1	0	9
June	2	21	0	0	2	19
July						
August						
September						
October						
November						
December						
Totals	40	n/a	5	33	2	37

Appeals received
0
3 (original decision upheld)
0
2 (original decision upheld)
5

Hearings

		Type of Hearing	Outcome	
2009		Assessment sub-committees - 27	Investigations – 14 Alternative action – 2 No further action – 11	
2010		Assessment sub-committees – 29	Investigations – 4 Alternative action – 4 No further action – 21	
		Review sub-committees – 10	Original decision upheld – 9 Original decision overturned – 1	
		Consideration sub-committees- 11	Referral for determination – 7 Finding of no breach accepted – 4	
		Determination sub-committees - 6	No breach – 2 No breach & breach (training) - 1 Breach – 3 = 1(censure), 1(training) & 1(no further action)	

	Number of hearings	Date(s) and type(s) of hearing	Outcome	Appeal (Y/N)
2011				
January	9	11/01/11 - 3 x Assessment Sub-Committee 11/01/11 - 1 x Consideration Sub-Committee 27/01/11 - 2 x Assessment Sub-Committee 27/01/11 - 3 x Consideration Sub-Committee	3 x no further action 1 x referral to Determination Sub-Committee 2 x no further action 3 x referral to Determination Sub-Committee	Yes (2)
February	5	08/02/11 - 1 x Assessment Sub-Committee 24/02/11 - 1 x Consideration Sub-Committee 24/02/11 - 3 x Assessment Sub-Committee	1 x no further action 1 x no failure to comply 3 x no further action	Yes
March	2	17/03/11 - 1 x Determination Sub-Committee 30/03/11 - 1 x Determination Sub-Committee	1 x no failure to comply 1 x 1 no failure to comply & 4 failures to comply (no sanctions)	n/a
April	20	13/04/11 - 3 x Review Sub-Committee 13/04/11 - 17 x Assessment Sub-Committee	Original decisions upheld 17 x no further action	n/a
May	15	13/05/11 - 10 x Assessment Sub-Committee 13/05/11 - 2 x Review Sub-Committee 19/05/11 - 3 x Determination Sub-Committee	9 x no further action & 1 x investigation Original decisions upheld 3 x no failure to comply	
June	6	07/06/11 - 5 x Assessment Sub-Committee 30/06/11 - 1 x Consideration Sub-Committee	1 x no further action & 4 x investigation 1 x referral to Determination Sub-Committee	

Investigations

Case reference	Date of Assessment hearing	Progress	Estimated date of final report
WC 06/09	13/05/09	Determination Sub-Committee 13 May 2010 – failure to comply (sanction – training) - closed	N/A
WC 14/09	23/06/09	Consideration Sub-Committee 15 April 2010 – no failure to comply – closed	N/A
WC 15/09	23/06/09	Consideration Sub-Committee 15 April 2010 – no failure to comply – closed	N/A
WC 18/09	13/05/09	Determination Sub-Committee 6 October 2010 – no failure to comply - closed	N/A
WC 19/09	13/05/09	Determination Sub-Committee 6 October 2010 - no failure to comply - closed	N/A
WC 20/09	23/06/09	Determination Sub-Committee 17 March 2011 – no failure to comply - closed	N/A
WC 24/09	07/07/09	Determination Sub-Committee 12 April 2010 – failure to comply (sanction- censure) - closed	N/A
WC 30/09	07/07/09	Determination Sub-Committee 19 May 2011 – no failure to comply – closed	N/A
WC 31/09	07/07/09	Determination Sub-Committee 19 May 2011 – no failure to comply – closed	N/A
WC 32/09	07/07/09	Determination Sub-Committee 19 May 2011 – no failure to comply - closed	N/A
WC 33/09	07/07/09	Determination Sub-Committee 14 October 2010 – 1 no failure to comply & 1 failure to comply (sanction – training) - closed	N/A
WC 38/09	19/11/09	Determination Sub-Committee 5 July 2010 – failure to comply (no further action) closed	N/A
WC 43/09	02/12/09	Determination Sub-Committee – TBA August/September 2011	N/A
WC 45/09	02/12/09	Determination Sub-Committee - TBA August/September 2011	N/A
WC 42/09	03/02/10 (Review Sub-Ctte)	Consideration Sub-Committee 7 September 2010 – no failure to comply - closed	N/A
WC 09/10	25/05/10	Consideration Sub-Committee 14 December 2010 – no failure to comply - closed	N/A
WC 10/10	25/05/10	Determination Sub-Committee 30 March 2011 - 1 no failure to comply & 4 failures to comply (no sanction) - closed	N/A
WC 12/10	19/08/10	Consideration Sub-Committee 24 February 2011 – no failure to comply - closed	N/A
WC 33/11	13/05/11	Interviews in progress	Autumn 2011
WC 34/11	07/06/11	Interviews in progress	
WC 36/11	07/06/11	Interviews in progress	
WC 37/11	07/06/11	Interviews in progress	
WC 38/11	07/06/11	Interviews in progress	Autumn 2011

WILTSHIRE COUNCIL

STANDARDS COMMITTEE

20 July 2011

Outcome of Standards Hearing Sub Committee – Case reference WC10/10

Purpose of Report

1. To report the outcome of the Standards Hearing Sub Committee held on 30th March 2011 to consider an allegation of breaches of the Code of Conduct for Members.

Background

2. On 7th May 2010 the Monitoring Officer for Wiltshire Council received a complaint from Mr T Chivers concerning the alleged conduct of Councillor Mark Griffiths, a member of Wiltshire Council and Melksham Town Council.
3. The complaint alleged that at meetings of the Melksham Area Board held on the 3rd February 2010 and the 24th March 2010, Councillor Griffiths, attending the meetings in his capacity as a Wiltshire Councillor, failed to declare an interest, either personal or prejudicial, and to take action appropriate to that interest, when grant applications made by Melksham Town Council, an authority of which Councillor Griffiths is also a member, were discussed.
4. On the 25th May 2010, the Standards Assessment Sub Committee of Wiltshire Council considered the complaint. In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee of the Standards Committee decided to refer the allegation to the Monitoring Officer for investigation.
5. The Monitoring Officer delegated his investigatory powers to Mr Roger Wiltshire, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000.
6. The investigators report found –
 - That Councillor Griffiths had a personal interest as defined in paragraph 8(1)(a)(ii)(aa) of the Code of Conduct.
 - That there **had** been a breach of paragraph 9(1) of the Code of Conduct, (Disclosure of personal interests).
 - That Councillor Griffiths had a prejudicial interest as defined in paragraph 10 of the Code of Conduct.
 - That there **had** been a breach of paragraph 12 of the Code of Conduct, (Effect of prejudicial interests on participation).

- That there **had** been a breach of paragraph 13 of the Code of Conduct, (Registration of members' interests) , (1)....you must, within 28 days of: (b) your election or appointment to office..... register in your authority's register of members interests.....details of your personal interests.....
 - That there **had** been a breach of paragraph 13 of the Code of Conduct, (Registration of members' interests) (2)....,you must, within 28 days of becoming aware of any new personal interest or change to any personal interest....., register details of that new personal interest or change.....
 - That there **had** been a breach of paragraph 7(1)(b) of the Code of Conduct, you must have regard to any relevant advice provided to you by your authority's Monitoring Officer.
7. The Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on the 11th January 2011 and, having carefully considered the Investigating Officers report and findings, in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008, decided to refer the allegations above to the Hearing Sub-Committee of the Standards Committee for determination. The Consideration Sub-Committee was satisfied that the matter was suitable for local determination.
 8. The Hearing Sub-Committee of the Standards Committee of Wiltshire Council met on the 30th March 2011 and their decision is attached as appendix A.
 9. The Chairman and members of the Sub-Committee may wish to comment on the hearing at the meeting.

Main considerations for the Committee.

8. The Standards Committee has set a target time of 6 months from the Assessment Sub Committee's referral of a complaint for investigation to the completion of the investigation and issuing a final report. In this case, the complaint was referred for investigation on 25th May 2010 and the final report was issued on 29th November 2010.
10. Three interviews were carried out during this investigation. One of the interviews was carried out in the Wiltshire Council Offices, County Hall; the two remaining interviews were carried out at the respective home addresses of the interviewees.
11. The Standards Committee has set a target of three months from the issuing of the final report to the conclusion of a determination Sub Committee hearing. The final report was issued on the 29th November 2010 and the Standards Hearing Sub Committee met on the 30th March 2011, missing the target. The pre hearing process that has to be undertaken within the three month target leaves little room for delay and difficulties may arise when arranging the

hearing date e.g. availability of a suitable venue, availability of staff, committee members, the subject member and any witnesses.

Proposals

12. The Standards Committee is asked to note the outcome of this matter.

Ian Gibbons

Monitoring Officer

Report author:

Roger Wiltshire
Ethical Governance Officer

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DECISION NOTICE:

BREACH OF THE CODE OF CONDUCT - NO SANCTION

Reference WC 10/10

Subject member
Cllr. Mark Griffiths

Complainant
Mr Terry Chivers

Hearing Sub-Committee membership
Mr Gerry Robson OBE Chairman (Independent)
Cllr Ernie Clark (Wiltshire Council)
Miss Pam Turner (Parish Council)

Monitoring Officer/Deputy Monitoring Officer
Frank Cain

Clerk
Pam Denton

Complaint

On 7th May 2010 the Monitoring Officer for Wiltshire Council received a complaint from Mr T Chivers concerning the alleged conduct of Councillor Mark Griffiths, a member of Wiltshire Council and Melksham Town Council.

The complaint alleged that at meetings of the Melksham Area Board held on the 3rd February 2010 and the 24th March 2010, Councillor Griffiths failed to declare an interest, either personal or prejudicial, and to take action appropriate to that interest, when grant applications made by Melksham Town Council, an authority of which Councillor Griffiths is also a member, were discussed.

The complaint was assessed by the Standards Assessment Sub-committee of Wiltshire Council on 25th May 2010, and was referred to the Monitoring Officer for investigation.

The Monitoring Officer delegated his investigatory powers to Mr Roger Wiltshire, Investigating Officer, pursuant to section 82A of the Local Government Act 2000.

The Investigator found that there **had** been a breach of the paragraphs 7, 9(1), 12, 13(1) and, 13(2) of the Code of Conduct.

The Standards Consideration Sub-Committee considered the Investigating Officer's report on 11 January 2011 and decided that the alleged breaches of the Code should be referred to a Standards Committee Hearing for determination.

A hearing was therefore conducted by the Hearing Sub- Committee on 30 March 2011 in accordance with Regulations 18 and 19 of the Standards Committee (England) Regulations 2008 and the Council's Procedure for Determination of Complaints.

Decision

NO BREACH OF THE CODE OF CONDUCT

Paragraph 7 “ When reaching decisions on any matter you must have regard to any relevant advice provided to you by your authority's monitoring officer, where that officer is acting pursuant to his or her statutory duties.”.

The Hearing Sub-Committee found unanimously that Cllr. Griffiths' actions, as set out in the agreed findings of fact, did not amount to a breach of paragraph 7 of the Code of Conduct for Members.

BREACH OF THE CODE OF CONDUCT

Paragraph 9(1) Disclosure of personal interests

The Hearing Sub-Committee found unanimously that Cllr. Griffiths' actions, as set out in the agreed findings of fact, did amount to a breach of paragraph 9(1) of the Code of Conduct for Members.

BREACH OF THE CODE OF CONDUCT

Paragraph 12 Effect of prejudicial interests on participation

The Hearing Sub-Committee found unanimously that Cllr. Griffiths' actions, as set out in the agreed findings of fact, did amount to a breach of paragraph 12 of the Code of Conduct for Members.

BREACH OF THE CODE OF CONDUCT

Paragraph 13 (1) and 13 (2) Registration of member's interests

The Hearing Sub-Committee found unanimously that Cllr. Griffiths' actions, as set out in the agreed findings of fact, did amount to a breach of paragraph 13 (1) and 13 (2) of the Code of Conduct for Members.

Reasons for decision

The sub-committee agreed that there had been no intent on Cllr Griffiths part to gain advantage for himself or constituents or any body. Cllr Griffiths sought advice and on receipt made a judgement about his actions. The sub-committee found that there had been technical breaches but as mentioned above, no intent to gain an advantage.

NO SANCTION

The Sub-Committee resolved that no action need be taken in relation to the matters raised at the hearing.

This decision notice is sent to the complainant, the member against whom the allegation was made, the Standards Committee of Wiltshire Council and the Standards Board for England.

Summary of evidence considered and representations made

The Sub-Committee considered the following evidence and representations:

1. The written complaint.
2. The Investigator's report dated 29 November 2010, which contained evidence from interviews conducted with the subject member, the complainant, and a number of witnesses, as well as copies of relevant documents, including the minutes of the relevant meeting and the letter complained of.
3. Further representations made by the subject member and the Investigator at the Hearing.
4. Legal advice on Personal and prejudicial interests.
5. Responses by the subject member and Investigator to questions posed by the Sub-Committee at the hearing.

Right of appeal

A member subject to a Standards Committee finding may apply in writing to the President of the Adjudication Panel for England for permission to appeal against that finding.

The President must receive the member's written application within 21 days of the member receiving notice of the Standards Committee's decision.

Wiltshire Council

Standards Committee

20 July 2011

Politically Restricted Posts – Applications for Exemption

Purpose of the report

1. To advise the Committee of the requirements for them to consider officer applications for their jobs to be removed from the Wiltshire Council list of politically restricted posts.
2. To provide the Committee with a proposed procedure for considering and determining such applications.

Background

3. Some officers are prevented from playing an active role in politics by virtue of their employment – these officers' posts are termed 'politically restricted'.
4. This restriction arises from the long established tradition that local government officers involved in advising elected members of their authority should be seen to observe a policy of political neutrality. This should ensure that members of the council are able to receive impartial advice from officers, and that officers are not influenced by any political bias in the implementation of the authority's policies.
5. The definition of a politically restricted post is established by statute under the Local Government and Housing Act 1989 as amended by the Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act 2009, and the Local Government (Political Restrictions) Act 1990.
6. Local authorities are required to maintain a list of politically restricted posts
The legislation establishes two classes of politically restricted post:
 - a. The first class is the "specified post" – these are posts where there is no right of appeal against the classification and applies to certain senior posts – the head of paid service, the statutory and non-statutory chief officers and the monitoring officer, and deputy chief officers.
 - b. The second class is composed of posts which involve one or both of the following –
 - i. Giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint

- committee on which the authority is represented and/or to the cabinet or cabinet portfolio holders
- ii. Speaking on behalf of the authority on a regular basis to journalists or broadcasters.
7. The holders of posts in the second of these groups may apply for their post to be exempt from political restriction and removed from the list of politically restricted posts.
 8. The Standards Committee, or a sub-committee of the Standards Committee, has the duty and power to grant these exemptions or to require a post to be added to the list of politically restricted posts.
 9. If the application is made for the purpose of enabling the applicant to be a candidate in a forthcoming election and the applicant certifies to that effect, the Standards Committee must give priority to the application bearing in mind the time available before the election.

Main Considerations for the Committee

7. There is little guidance available on the application of this statutory function of the Standards Committee. The function was formerly conducted by an independent adjudicator.
8. The Committee cannot grant exemptions to the holders of “specified posts”, only to the second class of politically restricted posts.
9. Exemption may be granted if the post holder can demonstrate to the Committee that their post has incorrectly been included on the list of politically restricted posts. This can occur when a job description is developed for a new post in anticipation of duties that involve regular advice to members or the provision of regular press briefings, and those duties do not then arise in practice.
10. The Committee should not provide an exemption unless the post-holder can demonstrate that their post does not include the regular provision of advice to members or regular press briefings/statements.
11. The Deputy Monitoring Officer has drafted a brief form to be completed by officers who wish to apply for their post to be exempted from political restriction (**Appendix A**). She has also drafted some guidance for applicants to use (**Appendix B**). The procedure requires the line manager to provide the Standards Committee with information to supplement the application for exemption.
12. The Standards Committee has already established a system of booking regular sub-committee meetings on a monthly basis in order to assess Code of Conduct complaints and dispensation applications. It is proposed that any applications for exemption from political restriction should be considered by the Dispensation Sub-Committee. The number of applications is likely to be very low.

Risk Assessment

13. There are no risks associated with the proposal in this report.

Legal Implications

14. As covered in the report.

Financial, Environmental Implications

15. There are no financial or environmental implications associated with the proposal in this report.

Proposal

16. Members are asked to agree the attached procedure for considering applications for exemption from the holders of politically restricted posts and that these applications will be determined by the Dispensation Sub-Committee.

Ian Gibbons
Solicitor to the Council and Monitoring Officer

Report Author: Nina Wilton, Head of Governance and Deputy Monitoring Officer

Unpublished documents relied upon in the production of this report:

None

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**Wiltshire Council
Standards Committee
Politically Restricted Post Exemption Application**

Please provide as much information as possible to enable the Standards Committee to determine your application. You should refer to the guidance notes before completing your application. You will be notified when the Standards Committee will consider your application, and you may attend the consideration meeting and make representations. However, it is essential that you provide as much information as possible at this stage of the procedure.

Your name:.....

Job title:.....

Department/Section/Team.....

Telephone number and e-mail address.....

If you are making this application because you wish to stand for election please state the date of the election and the closing date for candidates' nominations).

If you are making this application because you have been offered a post with Wiltshire Council and are not able to accept the offer until this application has been determined, please let us know below.

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.....

Please set out the grounds on which you believe your post should be exempt from political restriction (if necessary, continue on a separate sheet). The only grounds for exemption are that the criteria have been wrongly applied to your post and that you do not regularly advise council committees or brief the media on behalf of the authority. Please bear in mind that if you do not carry out this functions and your post has been evaluated on the basis that you do so, your manager may be required to submit your job for re-evaluation based upon the functions actually carried out.

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Please remember to attach a full copy of your job description. Your request cannot be considered without it.

Signed

Dated

Please send you completed form to the Monitoring Officer by post or e-mail (nina.wilton@wiltshire.gov.uk)

Your request will be considered by the Standards Committee at the earliest opportunity. You will receive written notification of their decision.

If you wish to have advice on the assessment criteria please contact the Head of Governance – nina.wilton@wiltshire.gov.uk

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**Wiltshire Council
Standards Committee
Dispensation Requests – Politically Restricted Posts
Application Process and Criteria for Determination**

Introduction

The Standards Committee, under the provisions of s 3 of the Local Government and Housing Act 1989, as amended by s 202 of the Local Government and Public Involvement in Health Act 2007, is responsible for considering applications from the holders of politically restricted posts to determine whether that post should be removed from the authority's list of posts which are politically restricted.

Background

The creation of politically restricted posts in local government arose in response to concerns that officers might be in the position improperly to influence the implementation or taking of decisions that should properly lie within the remit of elected members. Legislation was introduced to give statutory force to the principle of the political neutrality of council officers. As a result of that legislation, politically restricted officers may not:

- stand as a candidate for the House of Commons, the European Parliament, the Scottish Parliament, the National Assembly for Wales or a local authority;
act as an agent or sub-agent for a candidate for any of those bodies;
- be an officer of a political party or of any branch of a political party;
- canvass on behalf of a political party or a candidate for election.

Restricted officers other than assistants to political groups may not:

- speak publicly with "the apparent intention of affecting public support for a political party" (except where this is necessary as part of their official duties);
- publish any written or artistic work which appears to be intended to affect public support for a political party (except where necessary as part of their official duties).

There is no ban on politically restricted officers joining political parties, nor on taking part in political activities within the relevant rules.

Wiltshire Council is required to compile and maintain a list of politically restricted posts. These fall into two categories. The first category consists of the following posts:

- chief executives;
- chief officers;
- deputy chief officers;
- monitoring officers;
- any person holding a post as an assistant for a political group.

The holders of these posts are not permitted to apply for their post to be exempted from political restriction.

However, there is another category of politically restricted posts established by the legislation, called “sensitive” posts. These posts have been identified by Wiltshire Council as being posts which involve giving advice to the authority on a regular basis or speaking on behalf of the authority to journalists or broadcasters on a regular basis.

Exemptions

Holders of posts which are currently politically restricted on the grounds set out above may apply to the Standards Committee for their post to be removed from the list of politically restricted posts.

In order for the post to be removed from the list, the post holder will have to demonstrate to the Standards Committee that the post does not involve giving regular advice to the authority (for example, advising members in committee meetings, drafting significant policies, or providing frequent reports to decision making bodies of the authority) or speaking regularly, on behalf of the authority, to the media.

Process for applying for exemption

If the holder of a post that has been identified as being politically restricted on the grounds that it is a “sensitive” post considers that that they cannot influence policy in the course of their duties, or that the council has incorrectly applied the duties-related criteria, they should complete an exemption application form formally seeking exemption from political restriction for that post.

They should send the completed form to the Monitoring Officer, clearly stating their reasons for believing that their post does not meet the criteria for political restriction. They should enclose a copy of their job description and their job evaluation questionnaire. The letter should state who their line manager is.

It would be helpful to provide a list of the number of times over the last twelve months that the post holder has written a report for the council, a committee of the council or the cabinet and of occasions over the same period when they have attended a meeting of the council, a sub-committee of the council or the cabinet and spoken or provided advice. If applicable they should provide a list of the number of times in the last twelve months they have spoken on the authority's behalf to the media.

The Monitoring Officer will approach the line manager to advise them of the application, and ask whether, in the line manager's opinion, the applicant's letter represents the duties of the post accurately. The manager will be asked to provide their opinion in writing.

When these have been completed and returned the Monitoring Officer will arrange for a dispensation sub-committee of the Standards Committee to meet and consider the application. The dispensation sub-committee will usually meet within 14 days of the Monitoring Officer receiving a written response from the applicant's line manager.

If the applicant wishes to apply for exemption because they wish to stand for election they should clearly state this in their application, giving the date of the election and the date upon which candidates' nominations must be received. Wherever possible priority will be given to these applications.

The dispensation sub-committee will receive a covering report from the Monitoring Officer, the letter from the applicant with the job description and the JEQ, and the letter from the applicant's line manager.

There is no appeal against the dispensation sub-committee's decision. It is therefore in the applicant's interests to ensure that they provide a full statement of their reasons for considering that their post does not meet the criteria for political restriction.

Criteria for determination of requests

The dispensation sub-committee may grant an exemption when they consider, based on the evidence presented to them, the post does not involve any of the following duties:

- Regular provision of advice to the authority or the executive
- Regular provision of advice to any committee of the authority
- Regularly speaking to the media on behalf of the authority.

Notification of decision

The Monitoring Officer will advise the post holder of the Standards Committee's decision in writing at the earliest opportunity – usually within 10 working days of the meeting.

The Monitoring Officer will send a notice of the decision to the post holder, the post holder's line manager, and to HR. HR will be responsible for ensuring that the post is removed from the list of politically restricted posts, and amending the JEQ and job description.

Wiltshire Council

Standards Committee

20 July 2011

Summary of Feedback from the Constitution Focus Group on the Localism Bill

Purpose of Report

1. To update the Standards Committee on the feedback received from the Constitution Focus Group upon considering the views expressed by members at the standards workshop in March 2011.

Background

2. On 9 March 2011, Members of the Standards Committee attended a workshop event with the Monitoring Officer to assist the Council in considering its response to the changes to the standards regime proposed in the Localism Bill.
3. Discussion was held around the following key areas:
 - whether the Council should adopt a voluntary code of conduct;
 - if adopted, what provisions should a voluntary code of conduct include; and
 - what process should be adopted to deal with complaints under a voluntary code.
4. A summary of the key points arising from the discussion at the workshop is attached as appendix 1.

Matters for Consideration

5. The following points were made during the Focus Group's discussion of these issues :
 - The timescale for implementation of the new legislation allows time for the Council to develop its thinking on this, and to have regard to steps being taken by other authorities and by regional and national bodies, such as the Association of Council Secretaries and Solicitors.

- Wiltshire Council should provide advice and assistance to town and parish councils who wish to adopt voluntary arrangements, including assistance with the investigation and determination of complaints, on terms to be agreed.
 - More clarity is required from central government on the range of sanctions available to local authorities in determining complaints under a voluntary standards regime;
 - Concerns were raised on how to deal with vexatious and malicious complaints;
 - The current regime is too bureaucratic;
 - Independent co-opted members under the current regime were recognised as an asset to the statutory process, and served to promote public confidence in the system. The Monitoring Officer's representations to government to provide authorities with the ability to appoint voting independent members to any new standards committee were strongly supported;
 - Must ensure that any voluntary standards regime has widespread support from councillors;
 - A positive Code of Conduct would be helpful to elected councillors and members of the public in setting out what conduct is expected of councillors;
 - Any voluntary code adopted should be reviewed on an ongoing basis in the light of experience, having regard also to the experience of other authorities to ensure best practice is maintained.
 - Need to ensure that any voluntary arrangements are proportionate and cost effective;
 - That further shaping of the format, scope, processes and sanctions in a future voluntary standards regime should occur in light of changes to primary and secondary legislation and in liaison with other relevant local authorities.
6. The adoption of a voluntary code of conduct for Members of Wiltshire Council is an important means of ensuring that the Council fulfils its duty to promote high standards of member conduct. It is proposed that a draft voluntary code of conduct and complaints process will be placed before full Council for consideration in due course when the legislation is clear.

Proposal

7. That the Standards Committee:

- (1) note and consider the comments made by the Constitution Focus Group;**
- (2) ask the Monitoring Officer to begin to prepare a draft voluntary code and arrangements for dealing with complaints, having regard to the principles discussed by the Standards Committee and the Focus Group and developments locally, regionally and nationally.**
- (3) To report back to the Committee in the Autumn when the legislative framework is clear.**

Ian Gibbons
Monitoring Officer

Report author: Chris Marsh, Democratic Services Officer

Appendices: Appendix 1 – Report to Focus Group on Feedback from the Standards Committee Workshop on the Localism Bill

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**Summary of Feedback from the Standards Committee Workshop on the
Localism Bill**

Purpose of Report

1. To report back to members of the Standards Committee with a summary of the feedback from the workshop held on 9 March 2011 on the subject of a voluntary standards regime for Wiltshire Council under the proposals contained in the Localism Bill.

Background

2. On 9 March 2011 members of the Standards Committee attended a workshop to consider the implications of the Localism Bill for standards in Wiltshire. The workshop focused on whether a voluntary code of conduct should be adopted by Wiltshire Council under the Bill's proposals, and, if so, the principles that should govern the complaints process under a voluntary regime.
3. Members were reminded of the key points arising from the Localism Bill concerning the future of the standards regime, as reported to their January meeting.,
4. Members' views were sought on the following:

Should Wiltshire Council have a voluntary code of conduct?

If so, what should it contain?

What arrangements should be made to deal with complaints under a voluntary regime?
5. Members agreed unanimously that a voluntary code of conduct for members of Wiltshire Council would be desirable and would encourage high standards of conduct by members. Members also felt it would be desirable for town and parish councils to adopt a voluntary code, but appreciated that they would need to be supported in implementing such arrangements.
6. Members, therefore, agreed that a voluntary code should be adopted by the Council and that it should:

- utilise the existing ‘Nolan principles’ as its core standards for conduct;
 - feature mechanisms for safeguarding Council officers in respect of member conduct;
 - make available a range of appropriate and applicable sanctions for breaches of the code;
 - serve primarily as a set of positive values and standards of conduct which members should aspire to meet;
 - help members attain high standards of conduct, rather than merely present technical pitfalls;
 - account for the different perceptions of ‘acceptable behaviour’ as between members and officers, members and the public, and between members and other members, recognising the political context; and
 - recognise the differences between the requirements of Wiltshire Council Members and those of Town and Parish Councils (and in turn the varying sizes of these), and to take opportunities to work with these councils to improve standards of conduct wherever possible;
7. The following suggestions were made in relation to the process for dealing with complaints under a voluntary code:
- screening process to quickly resolve, mitigate or dismiss any trivial or unsubstantiated complaints;
 - delegation of some authority to the governance team to resolve complaints without requiring councillors’ involvement;
 - options for the governance team to mitigate, or if sufficient, facilitate face-to-face resolution between member and complainant in the first instance;
 - in order to enable the above, subject members to be made aware of complaints against them from an early stage, where appropriate;
 - fast-tracking of certain complaints e.g. where these can be resolved through correspondence between interested parties and the investigating officer;
 - imposition of clear timeframes within which complaints must be investigated and, if possible, resolved;
 - evaluation of complaints to ensure proportionality between severity of complaint and resource allocation;
 - greater scrutiny on the relevance of evidence gathered and considered in the determination of complaints;
 - build in sufficient flexibility to enable processes to be swiftly reviewed in future;
 - assessment committees, if utilised, to be able to give direction to investigation to streamline process;
 - rapidly identify any complaints of a criminal nature and refer these to the police;
 - removal of one or more layers in the sub-committee determination process, and possibly use the same sub-committee more than once in process;
 - having investigating officer present at sub-committee earlier in the process could enable a more robust and efficient process;
 - the size of the standards committee could be reduced;

- representation by independent co-opted members on the standards committee and sub-committees remains important in facilitating both real and perceived impartiality and fairness;
- reducing membership could, however, limit the scope for political balance on Sub-Committees, for which currently no standard approach exists; and
- that approaches taken are flexible and can be revised where improvements are identified by the standards committee.

8. Other points emerging from the discussion included:

- the absence of a voluntary code or sufficient sanctions could increase the vulnerability of officers and the public to inappropriate conduct by councillors;
- in designing a new code and complaints procedure it would be necessary to ensure that the cost of the arrangements, which would have to be borne by the Council, were reasonable and proportionate;
- consideration needs to be given as to how parish and town councils might be supported by Wiltshire Council in adopting voluntary arrangements for standards; and
- As the Bill stands Wiltshire Council will no longer be responsible for determining complaints relating to the conduct of town and parish councillors.

Conclusions:

9. The following principles were agreed by all members present, in respect of the adoption of a voluntary code of conduct and in dealing with complaints:

- A voluntary code of conduct should be adopted by the Council , and should also be useable by town and parish councils;
- No need to amend current underlying principles, unless good reason provided otherwise;
- Code should be a good practice guide to encourage best possible standards of conduct by members;
- Process of complaint investigation and determination must be, and be perceived to be, fair and transparent; and
- Complaints should be dealt with at the lowest possible level, with emphasis on resolution, rather than immediate censure or other action, wherever possible.

Recommendation:

10. **That the Standards Committee notes the feedback received from the members present at the workshop and agrees that this is referred to the Constitution Focus Group to assist them in formulating their views on voluntary arrangements for standards in Wiltshire Council in accordance with the Committee's decision on 12 January 2011.**

Ian Gibbons
Monitoring Officer

Background Papers:

None

Report author:

Chris Marsh, Democratic Services Officer

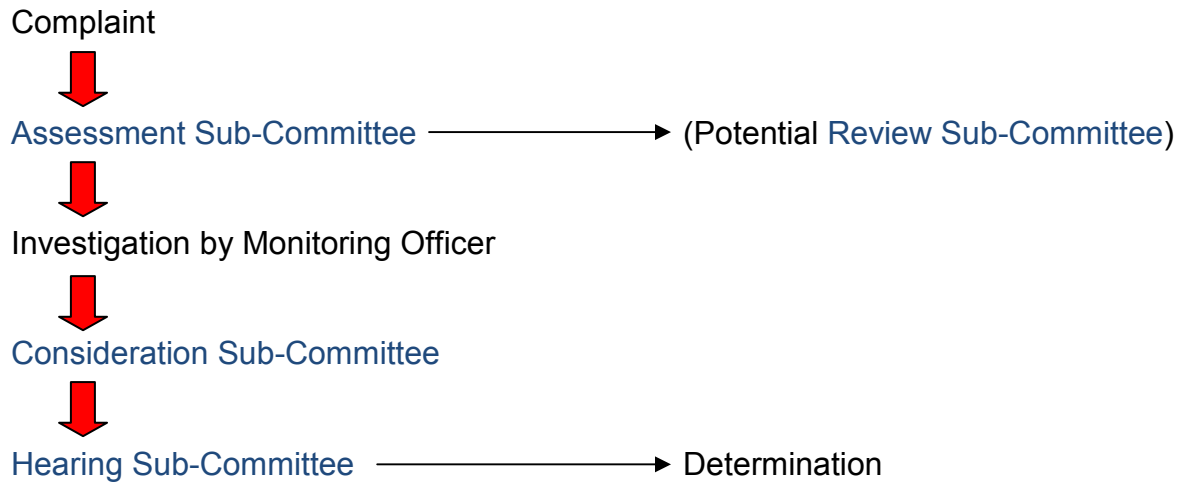
Appendices:

Appendix 1: Existing and proposed complaints procedure

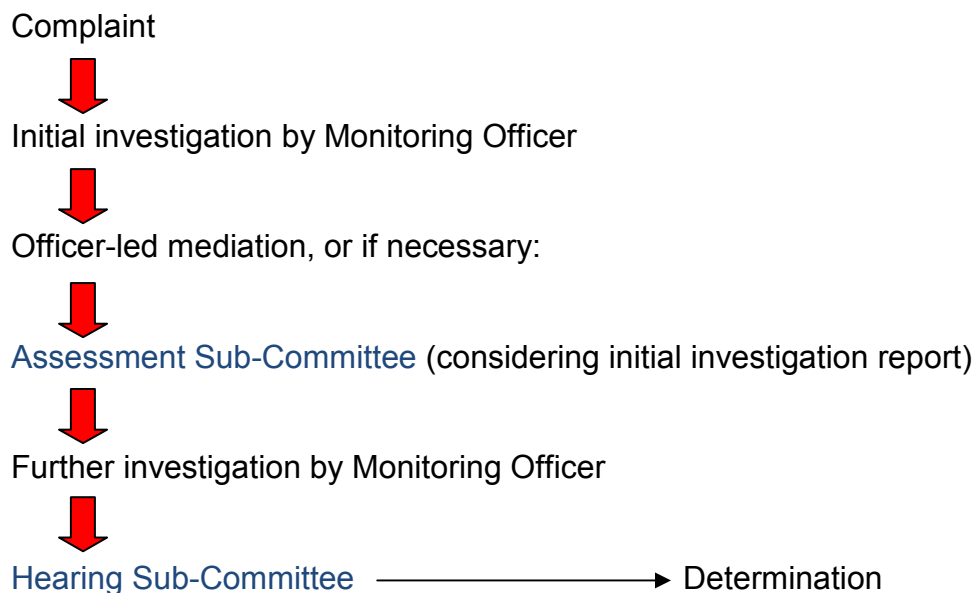
Appendix 2: Attendance at workshop on 9 March 2011

Existing and proposed complaints procedures

Complaints procedure at present: (if upheld at each stage)



Potential new complaints procedure:



List of Attendees at workshop 9 March 2011

Mrs Isabel McCord
Mr Stuart Middleton
Mr Paul Neale
Mr William Bailey
Mrs Jane Bayley
His Hon David MacLaren Webster QC
Mr John Scragg
Mr Robert Oglesby
Cllr Peter Fuller
Cllr Julian Johnson
Cllr Nigel Carter
Cllr Malcolm Hewson
Cllr Ernie Clark

Wiltshire Council

Standards Committee

20 July 2011

Wiltshire Council Website – Town and Parish Council information

Purpose of the report

1. To advise the Committee of changes made to the information for town and parish councils on Wiltshire Council's website.

Background

2. The Standards Committee identified Wiltshire Council's website as a useful tool in supporting the governance arrangements in the town, parish and city councils of Wiltshire. Accordingly, it was decided to develop an area on Wiltshire Council's website dedicated to town, parish and city councils.
3. It was also recognised that the existing information available on the website was not readily accessible to town and parish councils and it was agreed that the revised website pages should be easier to access.

Main Considerations for the Committee

4. The existing town and parish council information on the website included guidance on the Code of Conduct and the procedure for making a complaint, information on declarations and registers of interests, the dispensations procedure and guidance, and the governance toolkit for town and parish councils. Links were also provided to a number of other Wiltshire Council website pages such as the parish newsletter, town and parish council vacancies, and upcoming elections. External websites such as the National Association of Local Councils, the Society of Local Council Clerks and the Local Government Association were also signposted.
5. This information has been expanded and revised under two separate headings:
 - Information about town and parish councils
 - Resources for town and parish councils

6. The [Information about town and parish councils](#) page contains:
 - General information about the role of councillors and town and parish councils
 - Elections information and links to current vacancies and upcoming elections pages
 - How to complain about a councillor
 - Register of members interests

7. The [Resources for town and parish councils](#) page contains:
 - Links to the parish newsletter and the governance toolkit
 - Updated information on the Code of Conduct to include information about, and links to, Standards for England and the First-Tier Tribunal
 - Details of how to complain about a council member
 - Revised information about the register of interests to include details about the completion of the register, the registration of gifts and hospitality and providing access to all the relevant forms
 - Information about the declaration of acceptance of office and a link to the relevant form
 - The dispensations procedure and link to relevant guidance, including that of Standards for England
 - Details of training offered by Wiltshire Council and a link to the training pages of the Wiltshire Association of Local Councils website
 - The requirements of the Freedom of Information Act and its relevance to town and parish councils
 - An outline of the Data Protection Act as it applies to local councils
 - Information about area boards and the role that town and parish councils can play
 - Contact details of where to go for advice
 - An update on the Localism Bill and proposed changes to the Code of Conduct
 - An expanded list of links to relevant websites, including links to appropriate legislation

8. Access to these revised pages has been made easier by a link from the front page of Wiltshire Council's website. The list of 'top tasks' on the front page now contains a 'find information about town and parish councils' link which takes you straight to the relevant information. Also, the A-Z has been updated to reflect the two new web pages.

9. Officers of the Governance Team undertook and completed this work in consultation with a member of the Standards Committee, Mr Craig McCallum.

Proposal

Members are asked to note the contents of this report.

Risk Assessment

There are no risks associated with the proposal in this report.

Financial, Environmental and Legal Implications

There are no financial, environmental or legal implications associated with the proposal in this report.

Ian Gibbons

Solicitor to the Council and Monitoring Officer

Report Author: Marie Lindsay, Ethical Governance Officer

Unpublished documents relied upon in the production of this report:

None

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COMMITTEE'S WORK PLAN

<u>Meeting Date and Time</u>	<u>Name of Report</u>	<u>Scope of Report</u>
Wednesday 21 September 2011 Council Chamber, Monkton Park, Chippenham SN15 1ER	Annual Report of the Local Government Ombudsman (tbc)	To consider the report and make recommendations as appropriate
	Status Report on Complaints made under the Code of Conduct	
	Minutes of Dispensation Sub-Committees	
	Review of the Standards Committee Plan 2010-2014	
	Department of Community Services Compliments and Complaints Annual Report 2010 - 2011	
	Recommendations of the Focus Group on the future of the Standards Committee	

Future meeting dates:

23 November 2011- Council Chamber, Browfort, Devizes SN10 2AT

11 January 2012 - Council Chamber Bradley Road, Trowbridge BA14 0RD

7 March 2012 - Council Chamber, Monkton Park, Chippenham SN15 1ER

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