

# AGENDA

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Meeting: **STANDARDS COMMITTEE**  
Place: **Council Chamber - Council Offices, Monkton Park,  
Chippenham SN15 1ER**  
Date: **Wednesday 21 September 2011**  
Time: **2.00 pm**

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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](mailto: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](http://www.wiltshire.gov.uk)

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## **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)

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## 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 20 July 2011 (copy attached).

3. **Chairman's announcements**

4. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests.

5. **Public participation**

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 14 September 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. **Local Government Ombudsman Presentation and Report** (*Pages 7 - 14*)

To receive

(a) a presentation by Mrs Barbara Hedley, Assistant Local Government Ombudsman

(b) to consider the annual review letter of the Local Government Ombudsman (attached) to be presented by Mrs Barbara Hedley

7. **Review of the Standards Committee Plan 2010-2014** (*Pages 15 - 24*)

To consider the report of the Monitoring Officer

8. **Status Report on Complaints made under the Code of Conduct** (*Pages 25 - 30*)

To consider the report of the Head of Governance

9. **Forward Plan** (*Pages 31 - 32*)

10. **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.

**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**

None

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## STANDARDS COMMITTEE

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**DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 20 JULY 2011 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.**

**Present:**

Wiltshire Council Members

Cllr Nigel Carter and Cllr Ian McLennan

Town/Parish Council Co-opted Members

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

Independent co-opted Members

Mrs Jane Bayley, Mr Philip Gill MBE JP, Mrs Isabel McCord (Chairman) and Mr Stuart Middleton

**Also Present:**

Cllr Francis Morland

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**44. Apologies**

Apologies were received from Mr William Bailey, Councillor Ernie Clark, Mr Michael Cronin, Councillor Peter Fuller, Councillor Julian Johnson, Mr Gerry Robson OBE and Mr John Scragg

**45. Minutes of previous meeting**

The minutes of the meeting held on 18 May 2011 were presented.

**Resolved:**

**To approve and sign the minutes as a correct record.**

46. **Chairman's announcements**

The Chairman offered the condolences of the committee to Mr Keith Wallace on his recent sad loss.

The Chairman would be meeting with the Leader and the Chief Executive on 3 August and would be inviting them to a future meeting of the committee.

47. **Declarations of Interest**

There were no declarations of interest.

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

There were no members of the public present.

49. **Minutes of Sub-Committees**

The minutes of the Dispensation Sub-Committee held on 13 May 2011 were presented.

**Resolved:**

**To note the minutes**

50. **Annual Governance Statement**

The Monitoring Officer presented the Draft Annual Governance Statement for 2010-11 for the Committee's preliminary comments.

It was noted that this is a statutory requirement and the content follows guidance from CIPFA and is built around the six principles of good governance.

Following a debate the following changes were suggested:

Paragraph 12 – additional sentence to read: The Constitution Focus Group remains in place to review the constitution in the light of the Localism Bill.

Paragraph 13 – add at end of sentence 'and some of this is delegated to Area Boards'.

Paragraph 61 – 4<sup>th</sup> line delete 'these policies' and replace with 'the Whistleblowing Policy'.

Paragraph 73 – need to add the point that there is an ambition to align scrutiny activities to the business plan.

Paragraph 83 – clarify the definition of ‘charter’.

**Resolved:**

1. **To make amendments as detailed above.**
2. **To note that the draft Annual Governance Statement will be revised in the light the comments made by this Committee 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.**

**51. Status Report on Complaints made under the Code of Conduct**

The Head of Governance presented the report. The committee noted that recently there had been five referrals for investigation.

**Resolved**

**To note the report**

**52. Outcome of Standards Hearing Sub Committee**

The Monitoring Officer presented the report which detailed the outcome of the Standards Hearing Sub Committee held on 30<sup>th</sup> March 2011 to consider an allegation of breaches of the Code of Conduct for Members.

Committee members requested clarification on the process of registering interests.

**Resolved:**

**To note the report**

**53. Politically Restricted Posts - Applications for Exemption**

The Head of Governance presented the report which advised 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 and provided a proposed procedure for considering and determining such applications.

**Resolved:**

**To agree the 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.**

**54. Views from focus group on future standards regime**

The Monitoring Officer presented the report which sought to update the committee on the feedback received from the Constitution Focus Group upon considering the views expressed by members at the standards workshop in March 2011.

The Monitoring Officer explained that a draft voluntary code of conduct would be prepared and considered by the Constitution Focus Group prior to consideration by the Standards Committee in November.

**Resolved:**

- 1. To note the comments made by the Constitution Focus Group.**
- 2. To 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.**

**55. Wiltshire Council Website - Town and Parish Council information**

The Head of Governance presented the report which advised the Committee of changes made to the information for town and parish councils on Wiltshire Council's website.

The Chairman thanked Marie Lindsay and Mr Craig McCallum for their work in improving the website.

**Resolved:**

**To note the report**



**56. Parish Development Work**

Mr Philip Gill MBE, JP gave a verbal update on work that he had carried out in assisting a parish clerk to deal with some conflicts between the members of the council.

The Chairman thanked Mr Gill for what he had achieved in promoting higher standards of behaviour.

**57. Forward Plan**

The committee's forward workplan was presented.

**Resolved**

**To note the forward workplan.**

**58. Urgent Items**

There were no urgent items

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

**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 minute 60 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.**

**60. Outcome of Standards Hearing Sub Committees**

The Committee received a report on the outcome of three hearing sub-committees.

**Resolved:**

**To note the report.**

(Duration of meeting: 2.00 - 4.10 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](mailto:pam.denton@wiltshire.gov.uk)

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

## Wiltshire Council

Standards Committee  
21st September 2011

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### Annual Report of the Commissioner for Local Administration in England and Wales (the Local Government Ombudsman)

#### Purpose of Report

1. To bring the Local Government Ombudsman's Annual Report to the attention of the Committee.

#### Background

2. The Standards Committee has constitutional responsibility for the oversight of the council's arrangements for handling customer complaints.
3. The most serious unresolved complaints made about council services are considered by the Local Government Ombudsman. Every year he issues a report to each local authority on their performance in that year. At Appendix 1 members will find the Ombudsman's report for 2010-11. This report covers complaints received by her over that period.

#### Main issues for consideration by the Committee

4. In 2009/10 the Ombudsman received 81 complaints about Wiltshire Council. In 2010/11 the number had increased slightly to 90, of which 48 were investigated. 25 were referred back to the council for investigation through the council's internal complaints procedures.
5. The Ombudsman's target time for council's to respond to investigations is 28 days. This year Wiltshire Council exceeded this target with an average response time of 33.6 days. This is disappointing, although it should be noted that the average time was largely as a result of a few exceptional cases, rather than reflecting a trend across the authority. The Ombudsman noted that the principal areas of delay were in complaints relating housing and anti-social behaviour, both of which are handled by the same service directorate in the council. The authority has already decided to conduct a systems review of the complaints service and this will include consideration of how response times might be improved.
6. The Ombudsman noted that local settlements in cases where there had been an element of maladministration had been agreed in 10 cases. This is in line with the national average. The Ombudsman did not find it necessary to issue any formal reports finding maladministration leading to injustice.

## **Proposal**

7. That the Committee notes the content of this report and keeps the council's arrangements for complaints handling under review.

IAN GIBBONS – DIRECTOR OF LAW & GOVERNANCE

Report Author: Nina Wilton – Head of Governance

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**The following unpublished documents have been relied on in the preparation of this Report:**

None

24 June 2011

*By email*

Mr A Kerr  
Chief Executive  
Wiltshire Council

Dear Mr Kerr

### **Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number the Advice Team forwarded to my office and the decisions made on complaints about your council. Not all complaints are decided in the same year they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

### ***Complaints received during 2010-11***

As you will see, we received 90 complaints and enquiries about the council in 2010/11, 48 of which were referred to our investigative team. Our Advice Team referred 25 complaints to the council to be considered through your own complaints procedure.

As you know, we consider it important to deal with complaints as swiftly as possible and council response times to our enquiries are a significant factor in achieving timely outcomes. From formal enquiries made on 19 complaints during the year, your council's average response time was 33.6 days which is significantly above the 28 day target. Although four responses were received well within the 28 day target. The council took between 45 and 72 days to respond to enquiries on three of the four housing complaints we investigated; responses on three complaints concerning antisocial behaviour took between 37 and 49 days.

### ***Complaint outcomes***

We made decisions on 39 complaints against the council during the year. Two of these were on adult social care cases (for which we used a different recording system); we did not investigate one of these and one concerned a matter outside my jurisdiction. Of the remaining 37 complaints, four were found to concern matters outside my jurisdiction. In 16 cases we did not pursue investigation because no evidence of maladministration was found. In eight cases we decided to discontinue

investigation for other reasons, generally because we considered there was insufficient injustice caused to the complainant to warrant further investigation.

Ten complaints were closed after the council agreed to provide appropriate settlements. This is in line with the national average for local settlements of 27% of all complaints decided. The complaints settled by the council following enquiries from my investigators covered a range of the council's services. Compensation totalling £9,167 was offered by the council for these complaints.

A complaint about the conduct of a school admission appeal which failed to comply with legislation and guidance was settled by the council's agreement to offer a new appeal hearing. Another education complaint, about the provision of home tuition for a child who was out of school for 17 months, was settled when the council agreed to offer apologies and compensation of £1,500 to reflect the injustice suffered. The council had already reviewed its procedures and had trained staff in customer care.

Compensation amounting to £6,047 was agreed after the council failed for a period of over two years to provide appropriate weekend respite care for a child with complex special needs. This sum was based on the cost of the missed respite provision, the devastating effect this had on the complainant and her family and her time and trouble in pursuing her complaint.

Failures in the way the council dealt with an application for sheltered housing led to the offer of apologies and compensation of £750 to reflect the distress and inconvenience suffered by the complainant and his time and trouble in pursuing his complaint as well as a review of the relevant policies and procedures. A homelessness case was settled when the council agreed to apologise, to review procedures and to offer compensation of £400 for the lack of support and uncertainty caused by failures in the council's response to the family's homelessness application.

The council delayed significantly in reviewing a housing and council tax benefit application and in referring the case to the appeal service, as a result of which it agreed to offer compensation of £195 to the complainant.

### ***Communicating decisions***

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide, to both the citizen who has complained and to the council, a stand-alone statement of reasons for every decision we make. These statements replace our previous practice of communicating decisions by letter. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the new decision descriptions which are intended to give a more precise representation of complaint outcomes and also add transparency to our work.

### ***Extended powers***

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets means that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their

own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

### ***Assisting councils to improve***

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils, some of which had taken up the training. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at [www.lgo.org.uk/training-councils/](http://www.lgo.org.uk/training-councils/)

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your council I would be pleased to arrange for me or a senior manager to meet you and explain our work in greater detail.

Yours sincerely



Dr Jane Martin  
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to [www.lgo.org.uk/CouncilsPerformance](http://www.lgo.org.uk/CouncilsPerformance)

**LGO Advice Team**

<b>Enquiries and complaints received</b>	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	2	2	1	2	6	1	3	1	7	25
Advice given	2	0	0	5	1	1	0	2	6	17
Forwarded in investigative team (resubmitted)	1	0	2	1	1	1	1	0	1	8
Forwarded to investigative team (new)	6	1	2	12	3	3	6	1	7	41
<b>Total</b>	<b>11</b>	<b>3</b>	<b>5</b>	<b>20</b>	<b>11</b>	<b>6</b>	<b>10</b>	<b>4</b>	<b>21</b>	<b>91</b>

**Investigative Team**

<b>Decisions</b>	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
<b>2010 / 2011</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>8</b>	<b>3</b>	<b>37</b>



Adult social care decisions made from 1 Oct 2010\*

	Not to initiate an investigation	Out of jurisdiction	Total
2010 - 2011	2	1	3

\*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Provisional comparative response times 01/04/2010 to 31/03/20 11

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	19	33.6
2009 / 2010	13	29.5

Types of authority	<=28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	1	32.0

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**Wiltshire Council**

**Standards Committee**

**21 September 2011**

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## **Review of the Standards Committee Plan 2010-2014**

### **Purpose of Report**

1. To update the Standards Committee in respect of the priorities in the Standard's Committee's plan since the last review in March 2011.

### **Background**

2. In May 2010 the committee approved a plan for its work. The Committee agreed to review the plan twice a year in September and March.

### **Main considerations for the Committee**

3. A copy of the plan with comments updating members of the committee on the agreed priorities is attached at Appendix 1.
4. Key points to note are taken from the chairman's overview and are set out below for convenience.
5. The Localism Bill has not yet completed its passage through parliament. At the time of writing this report it had completed its third reading in the House of Lords and was scheduled to reach report stage in the Lords on the 5 September 2011. It had been anticipated that the Bill's passage through Parliament would have been nearly completed by the time this report was written, but that has not proven to be the case. However, there are no indications at this stage that the appointed day will be delayed significantly beyond late spring of 2012.
6. The Parliamentary web-site's most recent summary of the clauses of the Bill relating to the Standards regime is as appears below:

“abolishing the Standards Board regime and the model code of conduct, and introducing local accountability and a criminal offence of deliberate failure to declare a personal interest in a matter”.

7. The Constitution Focus Group has recommended that Wiltshire Council adopt a voluntary Code of Conduct for its members. Any such voluntary Code would have to be adopted by full Council and would then form part of the Council's constitution. It would be binding on members of the Council.
8. Officers have drafted a voluntary Code of Conduct and a procedure for receiving and investigating complaints for consideration by the Standards Committee and then by full Council.
9. Consideration will also have to be given to what sanctions may be available in a non-statutory local conduct regime.
10. In the meantime the Standards Committee has continued and will continue to focus on discharging its statutory responsibilities efficiently and effectively. To that end it is worth noting that the timescales for investigations and determinations in relation to new investigations has been adhered to.
11. Officers have developed a training package for town and parish councils, but take-up has been poor. This may be because of the forthcoming changes in the statutory Code.
12. The chairman and the Monitoring Officer have met with the Leader and the Chief Executive to discuss how the Standards Committee can support the council in supporting the council's culture change programme.
13. The Governance Team in collaboration with Mr McCallum of the Standards Committee has completed its review of the Standards Committee pages on Wiltshire Council's web-site, and improvements have been made to the content.
14. The Governance Team has also set up systems for identifying where town and parish council registers of interests are incomplete, and ensuring that declarations are completed and held on file. They have also set up systems with colleagues in the Elections Service to be notified when a new member takes up office. As a result they are better able to ensure that new members' declarations of interests are submitted in a timely manner.

### **Proposal**

15. The Standards Committee is asked to note the contents of this report.

### **Training and Communications Issues Arising**

16. There are no general training or communications issues arising from the proposals made in this report that would require the formation of a task and finish group of the Standards Committee.

## **Risks**

17. There are no risks associated with the proposals made in this report.

Ian Gibbons  
Monitoring Officer

Report Author: Nina Wilton – Head of Governance

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**The following unpublished documents have been relied on in the preparation of this report: None**

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**Wiltshire Council's Vision is to create stronger and more resilient communities, underpinned by 3 key goals:**

- 1. Deliver high quality, low cost, customer focused services.**
- 2. Ensure local, open, honest decision-making.**
- 3. Working together to support Wiltshire's communities**

**Wiltshire Council Standards Committee Vision is to raise public trust and confidence in local democracy by promoting consistently high standards of conduct throughout local government in Wiltshire**

**Top Priorities for Action 2011**

<b>Standards Committee Goals</b>	<b>Standards Committee Output</b>	<b>Targets</b>	<b>Owner Responsibility</b>	<b>Comments</b>
<b>Promote the ethical well-being of Wiltshire Council by embedding standards further within the Council</b>	Develop local voluntary Code of Conduct and range of possible sanctions for adoption by full Council	Voluntary Code and procedure for receiving and handling complaints developed by September 2011	Nina Wilton	Complete
		Standards Committee agrees voluntary Code for presentation to full Council – Spring 2012 following Royal Assent for Localism Bill	Ian Gibbons/Nina Wilton/Chair	
		Standards Committee agrees range of possible sanctions, submitted for Cabinet input, and ready for presentation to full Council – Spring 2012	Ian Gibbons/Nina Wilton/Chair	
<b>Work with Parish, Town and City Councils to support them in their application of the local standards framework</b>	Develop training package for Town, Parish and City(T,P&C) Councils in conjunction with WALC; finalise and implement programme for delivery of training; monitor the take-up and effectiveness of training.  Monitor developments relating to standards of conduct affecting T&PCs in the	Agree content / schedule by 31 July 2010? Begin implementation by 1 September 2010 Monitor effectiveness from 1 November 2010? ? % of T,P&C councils offered training by 1 April 2011	Nina Wilton / Vice Chair	New training package designed to include reference to proposed changes in Localism Bill. Training offered but no take-up from T&P Councils  This work is on-going and will not crystallise into outputs until Bill nears completion of its passage
		Monitoring on-going. When final amendments to the Bill go through Parliament, assess impact	Ian Gibbons/Nina	

	Localism Bill and develop appropriate support and information for T&PCs.	on T&PCs and develop appropriate information materials for publication on web-site and/or support for implementation of local codes (subject to capacity in the Governance Service)	Wilton/Chair	through Parliament.
<b>Inform and engage the public on standards in local government</b>	Ensure that the Standards Content on the Wiltshire Council Website is easily accessible	30 September 2010	Nina Wilton / Mr. Craig McCallum	Marie Lindsay, Anna Browne and Mr Craig McCallum have developed and refreshed content. Complete – No further action required.

**Chair's overview and summary of identified key trends.**

- 1. Following the publication of the Localism Bill in December 2010 the Standards Committee received a report in January on its implications for the standards regime. The Committee has asked the Constitution Focus Group to consider the proposals in the Bill and to report back with its views on these and the adoption of voluntary standards arrangements for Wiltshire Council. This work will continue to be developed as the Bill proceeds through Parliament towards Royal Assent, which is anticipated in Autumn of this year.**
- 2. The Localism Bill contains transitional measures to facilitate the move from the current regime to the new voluntary arrangements. Whilst details are yet to be provided in regulations it seems clear that the Committee will continue to be responsible for dealing with complaints under the Code of Conduct well into 2012. The actual end date will depend on how many cases remain to be determined after the appointed day, which we anticipate will be fixed between January and April 2012. In the meantime it will remain the Committee's priority to ensure that its statutory responsibilities are discharged efficiently and effectively.**
- 2. Town and Parish Councils have been advised that support and training will continue to be available pending any change in the legislation. This includes advice and support on the changes proposed for these councils in the Localism Bill.**
- 3. The Committee recognises the importance of dealing with complaints in a timely and efficient way. To this end the Committee is actively monitoring progress of cases against the agreed targets. Local assessment sub-committees continue to gain experience in assessing complaints as a consequence of which less complaints are being referred for investigation. The proportion of cases referred for investigation this year is now significantly below the national average. Following the review of process by the Committee in September 2010, steps have been taken as agreed to streamline cases within the requirements of the statutory framework. In particular, retention of the same members for the Consideration and Hearing Sub-Committees has been a positive improvement.**



4. The review of the Constitution was completed successfully in November 2010 when the Council agreed the changes recommended by the Standards Committee. These came into effect on 1 December 2010. The Constitution Focus Group, which has been a very effective forum for the review work, is being retained to consider any changes that become necessary as a result of new legislation, including the Localism Bill.

5. The Standards Committee has confirmed its commitment to supporting the Council in the development of its culture change programme. The Council's culture plan is summarised on pages 40-42 of its Business Plan 2011-2015, which was adopted by the Council on 22 February 2011. We will be meeting with the Leader and the Chief Executive to discuss how the Standards Committee can support the Council in promoting the new culture.

*Other Areas for Action*

Standard Committee Goals	Standard Committee Output	Targets	Owner Responsibility	Comments								
<p><b>Apply the local standards framework in a fair, efficient and proportionate manner</b></p>	<p>Review approach to local assessment to bring decisions more in line with national average of complaints referred for investigation; arrange workshop on local assessment.</p>	<p>Local Assessment Workshop held on 3 February 2010. Review quarterly</p>	<p>Ian Gibbons / Chair</p>	<p>Proportion of cases referred for investigation as follows;</p> <table border="0"> <tr> <td>2009</td> <td>41%</td> </tr> <tr> <td>2010</td> <td>12%</td> </tr> <tr> <td>2011 to date</td> <td>0%</td> </tr> <tr> <td>Overall since April 2009</td> <td>27%</td> </tr> </table> <p>The national average reported in Standards for England's annual report for 2008-09 was 53%. This demonstrates that a more robust approach is being taken by WC Standards Committee at assessment stage on whether a complaint should be referred for investigation.</p>	2009	41%	2010	12%	2011 to date	0%	Overall since April 2009	27%
2009	41%											
2010	12%											
2011 to date	0%											
Overall since April 2009	27%											

	<p>Consider outcome of Standards for England's review on proportionality in local standards framework; review proportionality in the operation of the Council's own procedures including the use of mediation and informal resolution of complaints.</p> <p>Review timescales for completing each stage of the local assessment process.</p> <p>Implement new Code of Conduct with training for all councillors.</p>	<p>Report on review to meeting on 22 September 2010</p> <p>Completed. Initial assessment within 20 working days of receipt of complaint. Review decision within 20 working days of request for review. All investigations to be completed within 6 months of complaint reaching the Assessment Sub-Committee's (or if appropriate the Review Sub-Committee's) Decision. Subsequent Standards Committee hearings to be completed within 12 weeks of receipt of Investigator's Report.</p> <p>Await Government's proposals.</p>	<p>Ian Gibbons / Chair</p> <p>Ian Gibbons / Chair</p>	<p>Recommendations for streamlining process agreed by Standards Committee at meeting on 22 September 2010 and have been implemented.</p> <p>Completed. Target timescales agreed with progress monitored by Standards Committee at each meeting using 'traffic light' system.</p> <p>Superseded by Localism Bill.</p>
<p><b>Promote the ethical well-being of Wiltshire Council by embedding standards further within the Council</b></p>	<p>Support the Council in moving to a single culture by promoting agreed values.</p>	<p>To be developed in consultation with the Chief Executive and Cllr Laura Mayes, Wiltshire Council's Portfolio holder for Culture Change</p>	<p>Ian Gibbons / Chair</p>	<p>The Council's Business Plan 2011-2015 summarises its culture plan (at pages 40-42). Core values have been developed and agreed:</p> <ul style="list-style-type: none"> <li>- placing our customers first</li> <li>- strengthening our communities</li> <li>- adopting a 'can-do' approach in everything we do.</li> </ul> <p>The Monitoring Officer and Chairman of the Standards Committee will meet with</p>

<p style="text-align: center;"><b>And</b></p> <p><b>Promote standards in partnerships</b></p>	<p>Increase the Committee’s visibility by attendance at meetings of Council, Cabinet, Committees and Area Boards.</p>	<p>Chairman or Vice Chairman to attend Council Meetings (6 per year) Chairman or Vice Chairman to attend 50% of Cabinet Meetings Standards Committee representation at all Area Boards at least once a year</p>	<p>Chair</p>	<p>the Leader and Chief Executive to discuss how the Committee can support the Council in promoting its culture.</p>
	<p>Arrange regular meetings between the Chairman of the Standards Committee, Monitoring Officer, Leader and Chief Executive to maintain contact and exchange areas of development and opportunities.</p>	<p>Quarterly.</p>	<p>Ian Gibbons / Chair</p>	<p>Chairman and Vice Chairman attending meetings of Cabinet and Council. Members encouraged to attend especially where business is directly relevant to Standards Committee.</p> <p>Further meetings to be arranged.</p>
	<p>Oversight of the Council’s complaints handling to ensure that complaints are dealt with efficiently and lead to improvements in services to the public.</p>	<p>Annual statistical return to be considered by the Committee.</p>	<p>Nina Wilton / Chair</p>	<p>Dependent on the development of a complaints tracking system. Complaints organisational structure to be reviewed.</p>
	<p>Review partnership governance arrangements; incorporate agreed</p>	<p>Timetable for review to be agreed.</p>	<p>Ian Gibbons / Chair</p>	<p>The existing Partnership</p>

	values and standards of behaviour in partnership documentation			<p>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 and implemented.</p> <p>Work plan for incorporating agreed values and standards of behaviour in partnership documentation is to be agreed.</p>
<b>Work with Parish, Town and City Councils to support them in their application of the local standards framework</b>	Communicate regularly with Town, Parish and City Councils on standards issues e.g. through Parish newsletter	Articles in Parish newsletters as required. Provide annual digest of code of conduct cases	Nina Wilton / Chair	<p>We will continue to use existing channels of communication to support town and parish councils under the current regime and with the changes proposed in the Localism Bill. The Constitution Focus Group has recommended a training event for town and parish councils on the changes in the Localism Bill that will affect them generally to be arranged when the details are clear.</p>

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	1	1	0	19
July	12	25	8	4	0	8
August	1	24	1	0	0	2
September						
October						
November						
December						
Totals	53	n/a	15	38	0	47

Appeals received
0
3 (original decision upheld)
0
2 (original decision upheld)
1 (awaiting review)
6

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)	

Standards Committee 21 September 2011

	Number of hearings	Date(s) and type(s) of hearing	Outcome	Appeal (Y/N)
<b>2011</b>				
<b>January</b>	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)
<b>February</b>	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
<b>March</b>	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
<b>April</b>	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	No
<b>May</b>	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	No
<b>June</b>	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	No
<b>July</b>	2	13/07/11 - 2 x Assessment Sub-Committee	1 x no further action & 1 x investigation	Yes
<b>August</b>	13	02/08/11 - 3 x Assessment Sub-Committee 09/08/11 - 10 x Assessment Sub-Committee	1 x no further action & 2 x investigation 3 x no further action & 7 x investigation	

## Investigations - closed

Case reference	Date of Assessment hearing	Outcome
WC 06/09	13/05/09	Determination Sub-Committee 13 May 2010 – failure to comply (sanction – training)
WC 14/09	23/06/09	Consideration Sub-Committee 15 April 2010 – no failure to comply
WC 15/09	23/06/09	Consideration Sub-Committee 15 April 2010 – no failure to comply
WC 18/09	13/05/09	Determination Sub-Committee 6 October 2010 – no failure to comply
WC 19/09	13/05/09	Determination Sub-Committee 6 October 2010 - no failure to comply
WC 20/09	23/06/09	Determination Sub-Committee 17 March 2011 – no failure to comply
WC 24/09	07/07/09	Determination Sub-Committee 12 April 2010 – failure to comply (sanction- censure)
WC 30/09	07/07/09	Determination Sub-Committee 19 May 2011 – no failure to comply
WC 31/09	07/07/09	Determination Sub-Committee 19 May 2011 – no failure to comply
WC 32/09	07/07/09	Determination Sub-Committee 19 May 2011 – no failure to comply
WC 33/09	07/07/09	Determination Sub-Committee 14 October 2010 – 1 no failure to comply & 1 failure to comply (sanction – training)
WC 38/09	19/11/09	Determination Sub-Committee 5 July 2010 – failure to comply (no further action)
WC 42/09	03/02/10 (Review Sub-Ctte)	Consideration Sub-Committee 7 September 2010 – no failure to comply
WC 09/10	25/05/10	Consideration Sub-Committee 14 December 2010 – no failure to comply
WC 10/10	25/05/10	Determination Sub-Committee 30 March 2011 - 1 no failure to comply & 4 failures to comply (no sanction)
WC 12/10	19/08/10	Consideration Sub-Committee 24 February 2011 – no failure to comply
WC 43/09	02/12/09	Determination Sub-Committee 2 September 2011 - no failure to comply
WC 45/09	02/12/09	Determination Sub-Committee 2 September 2011 - no failure to comply



## Investigations – open

Case reference	Date of Assessment hearing	Progress	Estimated date of final report
WC 33/11	13/05/11	Draft report – September 2011	Autumn 2011
WC 34/11	07/06/11	Draft report – September 2011	Autumn 2011
WC 36/11	07/06/11	Draft report – September 2011	Autumn 2011
WC 37/11	07/06/11	Draft report – September 2011	Autumn 2011
WC 38/11	07/06/11	Interviews in progress	Autumn 2011
WC 39/11	13/07/11	Interviews in progress	Autumn 2011
WC 42/11	02/08/11	Investigation underway	Currently unknown
WC 43/11	02/08/11	Investigation underway	Currently unknown
WC 47/11	09/08/11	Investigation underway	Currently unknown
WC 48/11	09/08/11	Investigation underway	Currently unknown
WC 49/11	09/08/11	Investigation underway	Currently unknown
WC 53/11	09/08/11	Investigation underway	Currently unknown
WC 50/11	09/08/11	Investigation underway	Currently unknown
WC 51/11	09/08/11	Investigation underway	Currently unknown
WC 52/11	09/08/11	Investigation underway	Currently unknown

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## COMMITTEE'S WORK PLAN

<u>Meeting Date and Time</u>	<u>Name of Report</u>	<u>Scope of Report</u>
23 November 2011 Council Chamber, Browfort, Devizes SN10 2AT	Draft Voluntary Code of Conduct	
	Whistleblowing Policy	
	Status Report on Complaints made under the Code of Conduct	
	Minutes of Sub-Committees	
11 January 2012 - Council Chamber Bradley Road, Trowbridge BA14 0RD	Status Report on Complaints made under the Code of Conduct	
	Minutes of Sub-Committees	
7 March 2012 - Council Chamber, Monkton Park, Chippenham SN15 1ER	Status Report on Complaints made under the Code of Conduct	
	Minutes of Sub-Committees	
	Review of the Standards Committee Plan 2010-2014	

Future meeting dates:

2 May 2012 - Council Chamber, Monkton Park, Chippenham SN15 1ER

4 July 2012 - Council Chamber Bradley Road, Trowbridge BA14 0RD

5 September 2012

7 November 2012