

## STANDARDS COMMITTEE

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### MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 8 OCTOBER 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Rosemary Brown, Cllr Trevor Carbin, Cllr Ernie Clark (Present as Substitute), Mr Philip Gill JP MBE, Cllr Julian Johnson (Chairman), Cllr Paul Oatway, Cllr Horace Prickett and Cllr Jerry Wickham (Present as Substitute)

#### Also Present:

Cllr Alan Hill

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#### 33 **Apologies for Absence**

Apologies were received from Councillors Desna Allen, Allison Bucknell, Howard Greenman, Sheila Parker, John Noeken, Terry Chivers, Miss Pam Turner and Mr Paul Neale.

Councillor Noeken was substituted by Councillor Jerry Wickham.

Councillor Chivers was substituted by Councillor Ernie Clark.

#### 34 **Minutes**

The minutes of the meeting held on 9 July 2014 were presented for consideration and it was,

#### Resolved:

**To APPROVE as a true and correct record for the Chairman to sign.**

#### 35 **Declarations of Interest**

There were no declarations.

#### 36 **Chairman's Announcements**

There were no announcements.

### **37 Public Participation and Questions**

No questions or statements were received for the meeting.

### **38 Update from the Code of Conduct Seminar**

At its meeting held on 9 July 2014 the Committee requested a formal update following the Code of Conduct Seminar open to all Members held on 23 July 2014 led by Hoey Ainscough Associates Ltd., which the Committee had instructed be arranged at its 25 April 2014 meeting to consider the effectiveness of the current Standards regime.

The Chairman introduced the item, noting some of the concerns which had led to the Committee requesting the Seminar, such as the lack of engagement with the complaints process by members, and whether the current Code of Conduct and its attending complaints procedure were robust enough for its purpose.

The Monitoring Officer then presented a report on the outcomes from the Seminar on 23 July, and the Committee considered the issues that arose.

It had been noted that in some authorities the Standards Committee itself, not only its Sub-Committees, was not subject to rules on political proportionality. The Committee considered that with Sub-Committees determining any complaints brought to Review or full Hearings, there was no additional benefit gained from altering the makeup of the Committee itself when the Sub-Committees were not subject to political proportionality rules.

There was discussion around the lack of specificity in the current Code, and whether this led to difficulties for members of the public in identifying which part of the Code was relevant to the specific circumstances and behaviour they wished to complain against, and whether this could have a reputational effect on Wiltshire Council and other councils which utilized the same Code. Members noted the risk of a highly detailed code giving rise to vexatious and trivial complaints, and whether the current procedure was robust enough to filter out such complaints, and so whether the balance between focusing on the serious complaints through the broadness of the Code versus the difficulties in categorizing some councillor actions perhaps felt to be deserving of action under a specific section of the current Code, was appropriate or if further work on the Code was necessary.

Members were in agreement that under the current regime the lack of firm sanctions other than recommending a member be publicly censured had created problems for the perception of councils' effectiveness, particularly where a subject member chose not to engage with the process. It was also noted that a recommendation from a Wiltshire Council Standards Sub-Committee as the leading authority for a town or parish council to censure a member, could in any case be ignored by that council. Some members had

concerns that the lack of sanctions prevented councillors from properly fulfilling their duties to their council employees. It was stated, however, that the government would have to alter existing rules to permit additional sanctions such as reintroducing the power to suspend members, if this was deemed appropriate.

The procedure for dealing with Code of Conduct complaints was assessed, and seeking an initial response from subject members to a complaint and permitting complainants and subject members the right to review an initial assessment decision or investigation assessment, was felt to be appropriate and working satisfactorily.

Other issues raised by the Seminar included the increasing importance of social media for councillors, and whether the council's current media protocol, which was under review, or the Code itself required further consideration, amendment or advice in that area. Members also discussed whether the decisions of Sub-Committees should be made publicly available once all matters under consideration had concluded, in the interests of transparency.

In light of many of the concerns raised at the Seminar and at the Committee, it was considered the best approach was to if alterations to the Code of Conduct might be appropriate. It was agreed evidence and analysis would need to be collected on the effectiveness of the current code, along with investigation of the codes and procedures of other authorities to determine if these were more suitable and effective. It was also noted that as many towns and parishes in Wiltshire utilized the Wiltshire Council Code of Conduct wholly or in part for their own codes, they would need to be consulted once the Committee had arrived at its own conclusions, should alterations or additions be recommended.

#### **Resolved:**

- 1) To task the Monitoring Officer with investigating the effectiveness of the Code of Conduct Complaints Procedure by collecting and analysing evidence on complaints received by Wiltshire Council, and to examine the Codes and procedures at other local authorities, and to bring a set of recommendations on any proposed changes to the Committee at its meeting on 21 January 2015.**
- 2) To ask the Monitoring Officer to liaise with colleagues in other Local Authorities to lobby the Secretary of State for Communities and Local Government for a change in the legislation to permit further sanctions, as agreed by a council's Standards Committee, to be imposed in the event of a breach of a Code if deemed appropriate.**
- 3) To recommend that the decisions of Review and Hearing Sub-Committees be made publicly available, except where relevant**

**matters remained ongoing and subject to confidentiality, but to leave the final decision to each Sub-Committee.**

**39 Status Report on Complaints**

The Monitoring Officer presented an update on the status of complaints received under the Code of Conduct complaints procedure. It was noted that investigations relating to two complaints remained ongoing.

It was further stated that following comments and consideration at the Code of Conduct Seminar held on 23 July 2014, future reports would provide more detailed information on the complaints that had been received and action taken, to enable the Committee to have a fuller view of the processes and outcomes regarding complaints received under the Code of Conduct.

**Resolved:**

**To note the update and the intention for more detailed reports to be received at future meetings.**

**40 Date of the Next Meeting and Forward Work Programme**

The date of the next meeting was confirmed as 21 January 2015.

An annual Forward Plan would be presented to the next meeting.

**41 Urgent Items**

There were no urgent items.

**42 Exclusion of the Public**

**Resolved:**

**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 Minute Number 43 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 1 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.**

43 **Minutes of the Standards Review Sub-Committees**

The Committee received the minutes of the Standards Review Sub-Committee meetings held on 5 June 2014, 10 July 2014 and 11 September 2014.

**Resolved:**

**To note the minutes of the Review Sub-Committees and reiterate recommendation three of Minute 38.**

(Duration of meeting: 2.00 - 3.00 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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