

**Wiltshire Council**

**Standards Committee**

**20 July 2011**

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## **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**

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