

## **Wiltshire Council**

### **Focus Group on the Review of the Constitution**

**13 June 2011**

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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**

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Background Papers:

None

Report author:

Chris Marsh, Democratic Services Officer

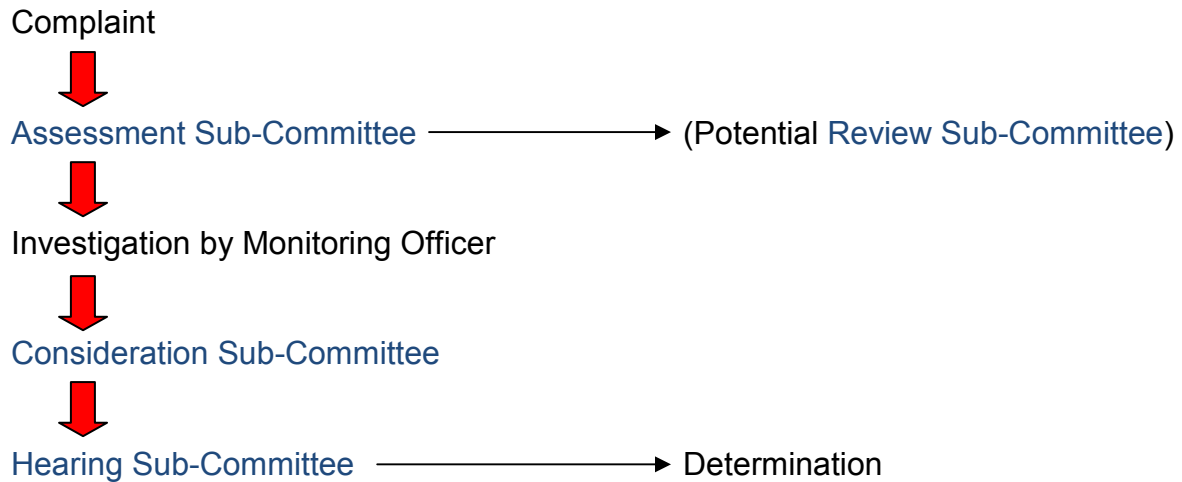
Appendices:

Appendix 1: Existing and proposed complaints procedure

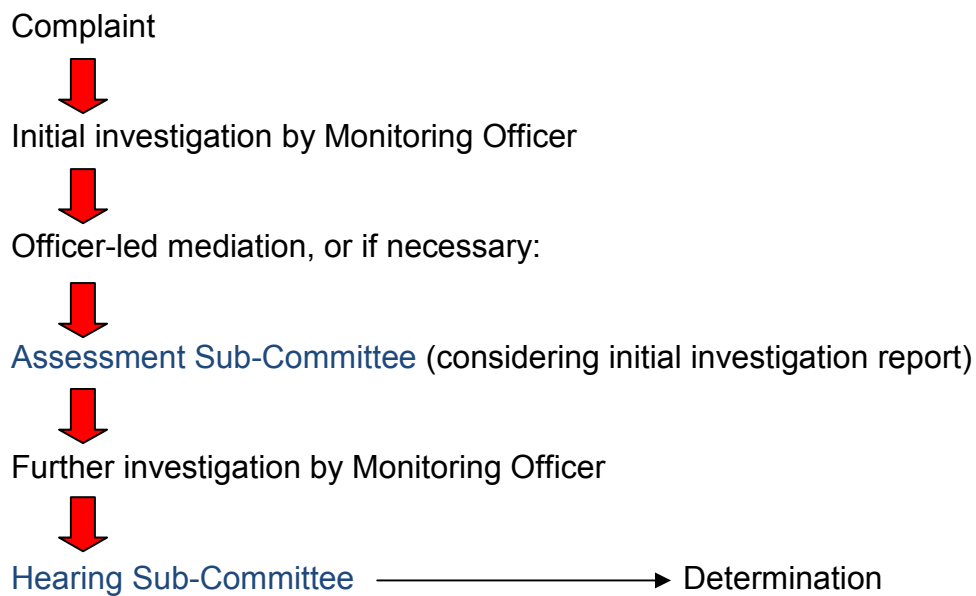
Appendix 2: Attendance at workshop on 9 March 2011

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