

Wiltshire Council

Standards Committee

18 April 2012

NEW STANDARDS FRAMEWORK

Purpose of Report

1. (1) To ask the Committee to approve the final version of the documents set out in the appendices to this report and to recommend these to the Council for approval on 15 May 2012.

- (2) To consider the template code of conduct produced by the LGA.

Background

2. At its last meeting on 7 March 2012 the Committee agreed to recommend Council as follows:
 - (1) To establish a standards committee in accordance with the terms of reference at appendix 1, subject to further revision by the Standards Task and Finish Group to reflect the Committee's wishes.
 - (2) To adopt the arrangements for dealing with code of conduct complaints as set out in appendices 2 and 3, subject to further revision by the Standards Task and Finish Group to reflect the Committee's wishes.
 - (3) To approve the job description and person specification for the independent person as set out in Appendix 4, subject to further revision by the Standards Task and Finish Group to reflect the Committee's wishes.
 - (4) To authorise the Monitoring Officer, in consultation with the chairman of the new standards committee and/or the Chairman of the existing Standards Committee, to take the necessary steps to secure the appointment of 2 independent persons and one reserve by the Council.
 - (5) To agree an appropriate rate of remuneration for the independent person, having regard to arrangements being made by other authorities and the advice of the Independent Remuneration Panel.
 - (6) Pending the issue of the regulations on interests and the emergence of any national template code of conduct, to use the existing code of conduct as the

basis for a new code of conduct, amended as necessary to meet the requirements of the new legislation.

- (7) To support parish, town and city councils in Wiltshire in preparing for the new standards framework and to consult them as far as possible on the proposed arrangements for Wiltshire Council.
3. Following the meeting of the Standards Committee on 7 March the Standards Task and Finish Group met on 13 March to review the draft documentation further in the light of the Committee's wishes. Revisions were made which were then considered by the Focus Group on the Review of the Constitution on 30 March. Further changes were agreed by the Focus Group.

MAIN ISSUES FOR CONSIDERATION

4. Revised versions of the draft documents reflecting these changes are attached for the Committee's approval as follows:
 - (1) Arrangements for dealing with Code of Conduct Complaints (including a revised flow-chart as Appendix A to the Arrangements) - Appendix 1
 - (2) Terms of reference for a new standards committee - Appendix 2
 - (3) Job description and person specification for the independent person - Appendix 3

Arrangements for dealing with Misconduct Complaints

5. Key points to note are as follows:
 - Paragraph 3.1 requires complaints to be submitted 'within 12 weeks of the date on which the complainant became aware of the matter giving rise to the complaint'.
 - The right of review is now included at paragraphs 4.7 and 4.8 (initial assessment stage) and paragraphs 6.5 and 6.6 (consideration of investigation report stage), with the relevant procedural requirements set out at paragraph 12.
 - The provisions on sanctions (at paragraph 9) have been moved to a separate Annex A, which sets out a suggested range of sanctions for the Council to consider. The Committee's view is that this is a matter for the Council to decide and is making no particular recommendation in this respect. This part has been re-ordered to set out the possible sanctions more clearly and in ascending order of seriousness. Provision for one or more of the sanctions to be imposed has been added.

The reference to the Court of Appeal decision in R v Broadland District Council ex parte Lashley as the basis for imposing measures to secure the efficient and effective discharge of the Council's functions has been revised to reflect the true ambit of this decision. This remains available as an option for the Hearing Sub-Committee to consider in the particular circumstances, subject to legal advice, but has been removed as a substantive sanction.

- The flow chart has been revised to reflect the changes and link it to the relevant paragraphs in the Arrangements.

Terms of Reference for New Standards Committee

6. Key points to note:

- Paragraph 3 sets out the arrangements for staggering the appointment of co-opted members to provide for continuity of knowledge and experience.
- Paragraph 10 has been added to make it clear that decisions of the sub-committees are made by a simple majority of the elected members present.

Appointment of Independent Persons

7. Key points to note:

- Previous references to equal opportunities have been updated to refer to the Council's Equality and Diversity Policy.
- A new section has been added setting out the statutory requirements on eligibility for appointment as an independent person.
- It is proposed that 3 independent persons are appointed to facilitate the allocation of two independent persons for each complaint, taking into account availability, conflicts of interest etc.
- A 4 year term of appointment is now proposed, with the staggering of initial appointments to provide for continuity of knowledge and experience.

Code of Conduct

8. We are still awaiting details of the rules on disclosable pecuniary interests. However, the Local Government Association (LGA) has today circulated a template code with the following covering note:

The LGA has worked with a range of stakeholder organisations to produce the template code that I am circulating to you today. This short outcome-focused code is accompanied by a one-page guidance note to highlight some of the conduct that is consistent with the code.

These documents are provided to assist authorities in thinking about how their new code of conduct should look and it remains the LGA's view that it is for each council's locally elected members to decide what the right code will look like in their area. I hope that these documents provide useful food for thought as you start those local discussions.

9. A copy of the template code and guidance is attached at Appendix 4. I have not had an opportunity to review this in detail before circulation of this report, but will prepare a supplementary report on the template code to assist the Committee's discussions at the meeting.

Updates to Parish Councils

10. Parish, town and city councils are being kept informed of progress on these matters, primarily through the Parish Newsletter. The latest update for April is attached at Appendix 5 for information.
11. I am also writing to parish, town and city clerks with an update on the Council's proposed arrangements.
12. It is proposed to hold briefing sessions for all councillors when we are in a position to put forward a draft code of conduct.

Recommendation

13. To ask the Committee:
 - (1) To approve the final version of the documents set out in appendices 1-3 of this report and to recommend these to the Council for approval on 15 May 2012.
 - (2) To consider the template code of conduct produced by the LGA, as attached at appendix 4, and to agree the next steps for preparing a code of conduct for adoption by Wiltshire Council.
 - (3) To note the steps being taken to update parish, town and city councillors on the new standards framework.

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