

STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 2 MAY 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Wiltshire Council Members

Cllr Nigel Carter, Cllr Peter Fuller, Cllr Julian Johnson 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 and Mr Keith Wallace

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)

Also Present:

Cllr Trevor Carbin and Cllr Francis Morland

31 Apologies

Apologies were received from Councillor Ernie Clark, Councillor Howard Marshall, Miss Pam Turner and His Hon David MacLaren Webster QC.

32 Minutes of previous meeting

The minutes of the meeting held on 7 March 2012 were presented.

Resolved:

To approve the minutes as a correct record.

33 Chairman's announcements

The Chairman thanked co-opted members for their responses on their interest with regard to moving forward to the new committee. The current position on membership was noted as elected member appointments taking place at Council on 15 May 2012, and co-opted member appointments proposed for Council on 26 June 2012.

34 Declarations of Interest

There were no declarations of interest.

35 Public Participation and Questions from Committee Members.

There were no questions or statements from the public.

36 Revised Planning Code of Good Practice for Members of Wiltshire Council

The revised Planning Code of Good Practice for Members of Wiltshire Council was presented by the Monitoring Officer. He explained that the Code had been modified to reflect changes to the rules on pre-determination in the Localism Act. He added that it would need to come back to the Standards Committee at some time in the future to reflect changes in planning law arising from the Localism Act and regulations and new rules to be issued on declaration of interests.

Resolved:

To recommend Council:

(1) to adopt The Planning Code of Good Practice for Members of Wiltshire Council as amended.

(2) to note that further revisions will be required when the regulations on planning and declaration of pecuniary interests are available.

37 Review of the Council's Overview and Scrutiny Arrangements

Councillor Carter introduced the report which looked at ways to change Overview and Scrutiny to make it more effective. The Scrutiny Manager talked through in detail the proposed changes between the current arrangements shown at Appendix A and those proposed at Appendix B, and a detailed discussion took place.

Concern was raised over the ability of the new sub-committees to set up task groups and the requirement for this to be agreed by the main committee. Following a debate it was agreed that Appendix B should be amended as follows:-

- In the Overview and Scrutiny Management Committee box, replace the fourth bullet point with 'Establish sub-committees/endorse the formation of task groups/appoint representatives to project boards and delegate responsibility as appropriate'
- In each of the three sub-committee boxes remove the wording 'with the agreement of the Management Committee'

Questions were raised regarding the fourth bullet point in the Budget Overview and Scrutiny Task Group box on Appendix B in that a broader membership might be preferable, similar to the sub-committees.

Questions also raised on the role of the proposed new management committee were clarified by the Monitoring Officer, who explained that there was no intention to stifle initiative in the proposed new structure, rather to ensure that functions and resources were used to best effect on matters prioritised with council objectives.

Resolved:

To recommend to Council:

- 1. To approve the outcome of the Overview and Scrutiny Review as set out in the report, subject to the following amendments:-**
 - a. In Appendix B:**
 - **In the Overview and Management Committee box, replace the fourth bullet point with 'Establish sub-committees/endorse the formation of task groups/appoint representatives to project groups and delegate responsibility as appropriate'**
 - **In each of the three Sub-Committee boxes remove the wording "with the agreement of the Management Committee"**
 - b. To authorise the Monitoring Officer to make any consequential constitutional amendments necessary to give effect to the revised arrangements.**
 - c. To review the operation of the arrangements within 18 months.**

38 **New Standards Framework**

Draft Code of Conduct

The Monitoring Officer introduced the draft Code of Conduct drawn up by the Standards Task and Finish Group. It was agreed that paragraphs 15 to 19, relating to members interests, would need to be reviewed once the regulations governing the registration and disclosure of pecuniary interests had been released. He explained that the draft Code is based upon the DCLG illustrative text for a code, but included additional provisions to ensure clarity and enforceability.

It was helpful to refer to the Roles and Responsibilities of Wiltshire Councillors, set out in the Council's Constitution, by way of a preamble to the document. However, it was understood that town and parish councillors would not be expected to adopt this.

The Member Support in the Locality Task Group had considered the draft Code and proposed complaints process. A note of their discussions was tabled at the meeting and fully discussed.

It was agreed to take the draft Code to Council on 15 May for initial consideration and approval for consultation with town and parish councils and for final approval by council at its meeting on 26 June.

Draft Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011

Members considered the comments of the Member Support in the Locality Task Group in respect of the arrangements for dealing with code of conduct complaints.

Following a debate it was agreed to support the changes recommended by the Panel, save that:

- the time limit for complaints to be submitted should be within 20 working days on which the complainant became aware of the matter giving rise to the complaint.
- the aim should be to complete cases within 3.5 months - 20 working days to initial assessment - 30 working days for investigation and 20 working days to hearing. This excludes requests for extension by the member, time spent on reviews and exploring alternative resolution.

Paragraph 4.8 a. should be amended to read - to dismiss the complaint or take no further action on the complaint.'

Resolved: To recommend council at its meeting on 15 May 2012:

- 1. To approve the draft code of conduct attached to the report for consultation with Wiltshire Councillors and Parish, Town and City Councils before final approval is sought at its meeting on 26 June 2012, subject to paragraph 1 of the draft being moved to form part of the preamble.**

- 2. To amend the Arrangements for dealing with Code of Conduct Complaints to reflect the comments of the Member Support in the Locality Task Group, as set out above, for consideration by Council as resolved previously.**

39 Standards Committee Annual Report

The Standards Committee Annual Report was circulated for information prior to it being presented to the Council meeting on 15 May.

Resolved:

To note the report.

40 Annual report on dispensations granted.

The Head of Governance presented the Annual Report on Dispensation Applications. There had been ten applications for dispensations during the year, four of which had been refused. The dispensation requests were considered on an individual basis looking at the specific circumstances and duration for each application.

Resolved:

To note the report.

41 Outcome of Standards Hearing Sub-Committee

The Monitoring Officer drew the Committee's attention to the outcome of a Hearing Sub-Committee.

Resolved:

To note the report.

42 **Outcome of Two Standards Consideration Sub Committees**

The Monitoring Officer drew the committee's attention to the outcome of two Standards Consideration sub-committees.

Resolved:

To note the reports.

43 **Status Report on Complaints made under the Code of Conduct**

The Head of Governance introduced the Status report on Complaints made under the Code of Conduct. The committee noted that all cases were being dealt with within the approved timescale.

Resolved:

To note the report.

44 **Forward Plan**

The forward plan was presented.

Resolved:

To agree the forward workplan.

45 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 5.25 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

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