

STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 20 JANUARY 2014 AT SALISBURY ROOM - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Desna Allen, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Terry Chivers, Mr Philip Gill, Cllr Howard Greenman, Cllr Julian Johnson (Chairman), Mr Paul Neale, Cllr John Noeken (Vice Chairman), Cllr Paul Oatway, Cllr Horace Prickett, Mr John Scragg and Miss Pam Turner

1 **Membership Changes**

It was noted that following the Council meeting on 12 November 2013, Councillor Chris Williams had been removed as a member of the Standards Committee.

2 **Apologies for Absence**

Apologies for absence were received from Councillors Ian Tomes and Howard Marshall.

3 **Minutes of the Previous Meeting**

The minutes of the meeting held on 9 October 2013 were presented for consideration.

In relation to Minute 48 - Update on Dispensations for Voting on the Council Tax and Budget - the Monitoring Officer confirmed his view that it was reasonable for councillors to rely on the unequivocal advice from the Government that they are not required to obtain a dispensation to vote on budget and council tax setting. Whilst it is a matter for individual councillors it was difficult to see how a prosecution could be deemed to be in the public interest when councillors were acting on clear guidance from the Government on the issue.

The Committee also discussed the best way to disseminate the advice to Wiltshire Parish Councils.

It was,

Resolved:

That subject to the inclusion of Mr Paul Neale, Mr John Scragg and Mr Philip Gill MBE JP among the list of attendees, to APPROVE as a true and correct record and sign the minutes.

4 **Declarations of Interest**

There were no declarations.

5 **Chairman's Announcements**

There were no announcements.

6 **Public Participation and Questions**

There were no questions or statements submitted.

7 **Status Report on Complaints**

The Monitoring Officer presented an update to the Status Report on Complaints received under the Code of Conduct. It was noted that under the new Standards Regime no complaints had been referred for investigation and that to date no appeals against an initial assessment of 'no further action' had been upheld at the review stage out of a total of thirteen received.

The Committee discussed the report and the reasons for there being fewer complaints, no referrals for investigation and appeals not being upheld. Increased information from the subject member in response to complaints was noted as a factor, as under the old standards regime they had no right of reply at the early stages of a complaint. The beneficial input of the Independent members was also highlighted.

It was felt that further monitoring was required as more complaints were processed, along with information of how similar authorities were experiencing the new regime.

Following discussion, it was,

Resolved:

To note the report.

8 **Recommendations from the Constitution Focus Group**

The Monitoring Officer introduced proposed changes to Part 5 of the Constitution - Access to Information Procedure Rules - as recommended by the Constitution Focus Group at its meeting on 8 January 2014. The changes were to reflect the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Other changes included a definitions section, clarity over references to council offices and the proper officer for specific actions, notification of private meetings, and other changes to reflect the Council's revised senior management structure

The Committee discussed the proposed changes as detailed in the agenda papers, and noted the Focus Group's suggestion that further clarification regarding the rights of Group Leaders and councillors generally to confidential

Part 2 papers should be drawn up by the Monitoring Officer in consultation with Group Leaders. This could be dealt with as an amendment to Protocol 2 of the Constitution on Councillor-Officer Relations, which already has a section on councillors' access to information. It was suggested that it may be appropriate to change the title of the Protocol given the broad range of issues that it covers.

The requirements for giving notice of items that are proposed to be taken in Part 2 of the agenda as business which is confidential or within the categories of exempt information were noted.

The Committee also noted the ongoing discussions of the Constitution Focus Group on its review of the council's Petition Scheme. A report on the outcome of the Focus Group's consideration will be submitted to the Committee in due course.

Resolved:

To recommend that Council approves the changes to part 5 of the Constitution as detailed in the report.

9 Forward Plan

The Forward Work Programme was presented and noted.

The Chairman also requested that the process of assessing and implementing constitutional changes be looked at, to determine if a more efficient approach could be utilized.

10 Urgent Items

With the approval of the Chairman, the Committee considered a Notice of Motion that had been received for the Council meeting on 4 February, which requested that Council immediately make a change to the Council's Constitution, rather than through the process of assessment by the Constitution Focus Group, then the Standards Committee, before being approved by Full Council.

The Standards Committee agreed that the appropriate opportunity to debate the proposed change could be had at the upcoming Council meeting. Furthermore, it was content for the matter to be considered and determined by the upcoming Council meeting without referral back to the Standards Committee.

(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

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