

## STANDARDS COMMITTEE

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### MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 24 JUNE 2015 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Julian Johnson (Chairman), Cllr Jerry Wickham (Vice Chairman),  
Cllr Desna Allen, Cllr Allison Bucknell, Cllr Rosemary Brown, Cllr Trevor Carbin,  
Cllr Paul Oatway, Mr Philip Gill, Mr John Scragg and Miss Pam Turner

#### Also Present:

Cllr Dennis Drewett and Cllr Magnus Macdonald

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#### 13 **Membership and Apologies**

Following the meeting of Council on 12 May 2015, there were the following changes to Membership of the Committee.

Councillor John Noeken was removed as a Full Member of the Committee.  
Councillor Jerry Wickham was removed as a Substitute Member and added as a Full Member of the Committee.  
Councillor Alan MacRae was added as a Substitute Member of the Committee.

Apologies were received for the meeting from Councillors Terry Chivers, Howard Greenman, Sheila Parker and Howard Prickett.

Councillor Parker was substituted by Councillor Prickett.

#### 14 **Minutes**

##### Resolved:

**The minutes of the meeting held on 21 January 2015 were approved and signed as a true and correct record.**

#### 15 **Declarations of Interest**

There were no declarations.

## 16 **Chairman's Announcements**

With the assent of the Committee, it was agreed to change the order of the agenda to move the Constitution Focus Group Recommendations on Changes to the Constitution forward.

## 17 **Public Participation and Questions**

There were no questions or statements submitted.

## 18 **Constitutional Changes**

The Monitoring Officer presented recommendations from the cross-party Constitution Focus Group on changes to the constitution following reviews requested by Standards, Council or which were required by legislative changes, as detailed in the report.

### Part 4 - Council Procedure Rules

The Committee considered proposed changes to Part 4 of the Constitution in relation to disturbances by the public, recorded voting, the 'State of Wiltshire' debate and the submission of and presenting of councillor questions to Full Council.

The Committee accepted the reasoning of the Focus Group regarding the proposed amendments to clarifying the rules on dismissal of a member of the public causing a disturbance at a meeting, noting it was the responsibility of Members to ensure a Chairman was aware of the nature of a disturbance or offence if this was not immediately apparent, and that ordering the dismissal of that member of the public remained an option for the Chairman in consultation with the proper officer, not an automatic decision.

The Committee also agreed to the alterations regarding recorded voting and the deletion of a constitutional requirement to hold a 'State of Wiltshire' debate, which was no longer necessary when the presentation of the council's business plan and subsequent debate had taken on many of the characteristics the 'State of Wiltshire' debate had been designed for.

In regards to Councillor questions to Council, members discussed the proposed new procedure, which included a total limit on questions that could be answered at any one meeting, but which still permitted as many questions as councillors wished to submit and guaranteed written responses either before the meeting or within five working days after the meeting depending on which deadline for submission of their question was met. The other key change was to reorder the presentation of questions to Council such that no Member could ask a second question until all other Members who had submitted a question had asked their first questions, with the same rule applying to second and subsequent questions.

The Committee debated whether the proposed procedure was effective and balanced, with some members concerned the procedure might be confusing to implement, although it was noted the elements of the proposed changes had been taken from operations at other councils. It was confirmed that all written responses to questions would be attached to the minutes of the relevant meeting, and it was also felt that as only 20 questions would be received at the meeting, to avoid confusion and delays it was the responsibility of Members to indicate to Democratic Services before a meeting if they did not wish to ask a supplementary question.

It was also requested that the Focus Group consider the paragraphs requiring Members to stand to speak at Council meetings, in particular in the context of equality rules.

#### Protocols 1 and 2 - Briefing and Information for Local Councillors and Councillor-Officer Relations, and Part 2 - The Constitution

The Committee considered proposed changes to Protocols 1 and 2 of the Constitution as detailed in the report, which would involve their merger into a single Protocol. The changes also required a small amendment to Part 2 of the Constitution regarding rights of members of the public.

The Protocol had been updated to reflect the type and frequency of information councillors should be informed of, particularly in relation to their divisions. Following referral of a motion from Council on response times, these had been amended to be more realistic for councillors and the public, with explanations to be made where meeting those deadlines was not possible.

The Committee was also informed the Corporate Leadership Team had assured that further measures to encourage officers to meet their obligations in respect of providing councillors with information would be taken.

The Committee was satisfied with the proposed changes.

#### Protocol 7 - Media Protocol

The Committee considered proposed changes to Protocol 7 as detailed in the report, which was mainly focused around the adoption of webcasting guidance, and rules on when broadcasts could or should be suspended.

The Committee accepted the proposed changes, and also proposed adoption of the associated 'Social Media Guidance for Councillors' to assist Members with any social media activity they might undertake.

#### Protocol 9 - Monitoring Officer

The Committee considered proposed changes to Protocol 9 as detailed in the report, and accepted and approved of these as updates to reflect current practice.

### Protocol 11 - Governance Reporting Arrangements

The Committee considered proposed changes to Protocol 11 as detailed in the report, to reflect the creation of new bodies as well as updating the reporting arrangements for existing bodies.

The Committee considered that several Overview and Scrutiny Task Groups, while not standing task groups with the exception of the Financial Planning Task Group, such as the Safeguarding Children and Young People Task Group, were of such importance and expected to be long-running, that it might be more appropriate if they were to be formally constituted as sub-committees rather than Task Groups, and that this view be reported to the Overview and Scrutiny Management Committee.

The Committee also noted the series of changes as detailed in the report to be made by the Monitoring Officer under delegated powers to reflect the decisions of Full Council, ensure consistency and update following changes in legislation. In particular changes to the rules and procedures on dismissal of Heads of Paid Service, Monitoring Officers and s.151 Finance Officers were required to be made and reported to Full Council on 14 July and would require constitution changes including to Part 15 - Officer Employment Procedure Rules, as well as the contractual implications.

### **Resolved:**

- 1) To recommend that Council adopt the proposed changes to the Constitution in relation to Part 4, Protocols 1-2 and Part 3, Protocol 7, Protocol 9 and Protocol 11, as detailed in the agenda papers subject to any amendments detailed above;**
- 2) To note the intention of the Monitoring Officer to make changes under delegated authority contained in Article 15.3 of Part 2 of the Constitution to make necessary amendments to Part 2.1, Part 3, Part 7, Part 14, Part 15 and a new Protocol 2, as detailed in agenda papers; And,**
- 3) To request the Overview and Scrutiny Management Committee consider reviewing whether standing or especially significant and expected to be long running Task Groups should be constituted as formal sub-committees, as detailed in the minutes above.**

## **19 Draft Annual Governance Statement 2014/15**

The Monitoring Officer presented a report on the draft Annual Governance Statement, as drafted by the Governance Assurance Group which is comprised of senior officers who have lead roles in corporate governance and a representative from the Audit Committee, to review the effectiveness of the council's governance arrangements.

It was noted that paragraphs 27 and 70 of the draft Statement related to governance arrangements under the responsibility of the Standards Committee, and no objections were raised.

Members discussed the draft, and requested further drafting to ensure consistency across the document.

At the end of discussion, it was,

**Resolved:**

**To note that the draft AGS will be revised in the light of comments from the Committee, as detailed above and further work by the Governance Assurance Group before being brought back to the Audit committee for final approval and publication with the Statement of Accounts at the end of July.**

**20 Status Report on Complaints**

The Monitoring Officer presented an update on Complaints received since the last meeting of the Committee, noting that the total number was at present significantly down on those received in 2014, and that very few had been referred for investigation.

Members considered whether the reduction was as a result of the difficulties discussed in previous meetings regarding identifying a specific section of the Code under which to underpin a complaint, or lack of faith in the limited sanctions, but noted they had previously resolved to attempt to lobby the government for increased sanctions to be permitted and to strengthen to Code, and that these would be considered at their next meeting.

**Resolved:**

**To note the update and the intention to bring proposed changes to the Code of Conduct to the next meeting of the Committee.**

**21 Forward Plan**

The Forward Work Programme was approved.

Due to the change in date of the Council meeting from 20 October to 29 September 2015, it was noted the date of the next Standards Committee would need to be brought forward from 7 October.

Details would be circulated to Members and on the council's website as soon as they were available.

## 22 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.20 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services,  
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