

STANDARDS COMMITTEE

MINUTES of the STANDARDS COMMITTEE held at COUNTY HALL, TROWBRIDGE on WEDNESDAY 11 NOVEMBER 2009.

PRESENT:

- Independent Members - Mrs I McCord (Chairman), Mrs J Bayley, Mr I McGill CBE, Mr S Middleton, Mr G Robson OBE, (Vice-Chairman)
- Town/Parish Members - Mr W Bailey, Mr A McCallum, His Honour D MacLaren-Webster QC, Mr P Neale, Mr R Oglesby JP, Mr K Wallace
- Wiltshire Council Members- Cllr N Carter, Cllr E Clark, Cllr P Fuller, Cllr J Johnson and Cllr I McLennan
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35. Apologies

Apologies for absence were received from Mr P Gill MBE JP, Mr J Scragg, Mr K Shipman and Miss P Turner MBE JP,

36. Minutes of Previous Meeting

Resolved:

To confirm and sign the minutes of the meeting held on 9 September 2009.

37. Announcements from the Chairman

(a) Members Allowances

The Chairman informed members of the decision made by full Council at its meeting on 10 November and a copy of the Leader's motion and a chart showing the allowances was tabled.

(b) Intranet access/e-mail addresses

The Chairman said that she understood that some members of the committee had experienced difficulties in setting up Ways of Working on their computers and asked any members to get in touch with Democratic Services if they still had any problems. She emphasised that it was Wiltshire Council policy that e-mails could not be sent to personal e-mail accounts and this policy extended to members of the Standards Committee. Therefore with effect from 1 December 2009 no emails will be sent to personal addresses.

(c) Future objectives

The Chairman said that the Standards for England Conference papers and Annual report contained some good ideas for future objectives for the committee and she had asked the Monitoring Officer to prepare a report for the January meeting on key objectives and priorities for action.

(d) Visibility of Standards Committee

The Chairman said that following the issue of the code of conduct pack to all town and parish councils it would be helpful to reinforce that by Standards Committee members attending town and parish council meetings and Area Boards. To this end she asked members of the committee to have a look at what was on in their area and go along to the meetings in an informal capacity.

38. Members' Interests

There were no declarations of interest.

39. Public Participation

None.

40. Register of Members' Interests and Gifts and Hospitality

The Head of Governance presented the report which provided members of the committee with information about arrangements in place for recording the interests of members of Wiltshire Council and the town and parish councils, together with the register of gifts and hospitality received by members.

She added that good practice suggested that the members' register of interests should be available for the public to view on the council's web-site; this had been considered by Wiltshire County Council in the past but members had voted against it. It was suggested that a recommendation should be made to the Council asking them to reconsider the position in the interests of transparency and public confidence.

Resolved:

- 1. That the report be noted.**

- 2. That a report be produced for the next meeting of this Committee to enable it to consider whether to make a recommendation to Council that it reviews whether members' interests should be published on the Internet.**

41. Communication Sub-Committee – Update

The Chairman gave a verbal update on the progress of the Communication Sub-Committee.

A question was asked about how it was possible to evaluate success without testing. Mr Robson replied that the Training sub-committee had looked at this issue and asked that clarification be sought on the role of the two sub-committees specifically in relation to training.

It was requested that when dates of future meetings of both the Training and Communications sub-committees are set that they are timed so that they can feed back into the Standards Committee.

The Chairman drew attention to the responsibilities of the Standards Committee in the Constitution noting that it did not have any responsibility for the officers' code of conduct. The Chairman asked Head of Governance to produce a guidance note for the next meeting to inform the committee on what is being undertaken in Wiltshire Council to ensure that all officers are aware of the code of conduct.

Resolved:

- 1. That the progress made by the Sub-Committee since its previous meeting be noted.**
- 2. That a Training sub committee representative attends the Communications Sub Committee meeting on 7 December in order to clarify the roles of the 2 sub-committees**
- 3. That a guidance note on progress with officers' code of conduct be brought to the next meeting.**

42. Whistleblowing Procedure Update

The Head of Governance presented the report and explained that the whistleblowing procedure had been revised to take into account advice from the external auditors (KPMG), good practice, and learning gained from running the procedure over the last 5 years. The policy would be launched in conjunction with the revised anti-fraud and money laundering procedures. It was hoped that the re-launch would take place in December and the procedure would be publicised via the Wire and in the news section on the Intranet.

Resolved:

That the report be noted

43. Local Government Ombudsman Complaints - Status Report

The committee considered an update of Ombudsman Complaints resolved within the six month period between April 2009 and September 2009.

Resolved:

That the report be noted.

44. Review of the Wiltshire Council Constitution

The Chairman introduced a report which recommended a process for undertaking a review of the constitution as previously requested by Council and to establish a Focus Group for this purpose. It was agreed that a town and parish representative be appointed to the group in addition to the two independent members. Having received nominations, the independent and town and parish membership of the Focus group was agreed as follows:

Mrs I McCord
Mr S Middleton
Mr P Neale

Resolved:

(a) that the Standard Committee notes the report and the process for reviewing the constitution.

(b) establishes a Focus Group on the Review of the Constitution with the following terms of reference and membership

Terms of reference:

- **To provide a forum for engagement in the review of the constitution.**
- **To consider the effectiveness of the constitution in the light of the past six months experience of operating the current constitution to ensure that it is legally sound, fit for purpose and continues to serve the interests of all the people of Wiltshire.**
- **To consider the views of**
 - **elected and co-opted members of the Council**
 - **officers**
 - **decision making bodies of the Council as appropriate**
 - **town, parish and city councils and**
 - **members of the public**

ascertained through questionnaire responses and appropriate methods of communication and make appropriate recommendations

- **To offer a councillor perspective on and accordingly to influence key issues within the constitution.**
- **To keep the Standards Committee informed of progress on the review of the constitution.**
- **To advise the Standards Committee of final recommendations on any changes to the constitution for report to Cabinet for consideration and onward recommendation to Council.**

Membership

- (i) **a member from each group on the Council nominated by group leaders;**
- (ii) **a member of the Overview and Scrutiny Management Resources Select Committee;**
- (iii) **a member of the Audit Committee;**
- (iv) **two independent members and one town and parish representative of the Standards Committee as detailed above;**
- (v) **that the Focus Group be chaired by one of the Independent members of the Standards Committee;**
- (vi) **that appropriate Councillors and Officers be invited to attend as and when requested by the Focus Group or its Chairman to assist it in its work.**

45. Status Report on Complaints Made Under the Code of Conduct

The Head of Governance introduced the report which provided a summary of the Code of Conduct complaints received by the Monitoring Officer since 1 April 2009 and asked the committee to note that there was the possibility of several hearings in the near future.

Mr Clark referred to an issue raised during a session at the Standards Board for England's Annual Assembly concerning the practice of Group spokesmen attending Chairman's briefings. It was decided to refer this to the Service Director, Development Control, to consider as part of his review of development control within the context of the review of the Constitution.

Resolved:

That the report be noted.

46. Report on the 2009 Annual Assembly of Standards Committees

The Monitoring Officer and Cllr Clark presented a report on the recent Standards Board for England Annual Assembly.

Resolved:

That the report be noted

47. Local Assessment Regime

The Committee considered the report noting the percentage of complaints going forward to investigation was higher than the national average which meant a heavy workload for the Governance Team. This was an issue for other Standards Committees as well as the Standards for England.

It was suggested that it would be helpful to have a training workshop to look at the assessments that had been considered so far and their outcomes. The DVD on assessments could also be shown at the same time.

Also members discussed the merits of mediation and informal resolution as a way of resolving complaints.

Resolved:

- 1. That the report be noted.**
- 2. That a training workshop on assessments be arranged for the morning of the next Standards committee meeting.**
- 3. That the Monitoring Officer explore mediation and informal resolution as a means of resolving complaints.**

48. Report of Hearing of Complaint Under the Code of Conduct

The committee considered a report on the outcome of a determination hearing held on 25 September 2009.

Resolved:

That the Committee notes the outcome of this case and that the response from Standards for England will be circulated when received

49. Committee Forward Workplan

The Committee received the Committee's Work Plan for 2009/10. It was agreed that the following items be added:

January - Report on key objectives and priorities for action for the committee
January - Register of members' interests
January - Officers Code of Conduct update
January – training workshop on assessments

50. Urgent Items

None.

(Duration of meeting: 2.00pm – 4.30pm)

The officer who has produced these minutes is Pam Denton, Senior Democratic Services Officer, direct line (01225) 718371, pam.denton@wiltshire.gov.uk

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