

CONSTITUTION FOCUS GROUP

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 24 MAY 2019 AT NORTH WILTSHIRE ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Richard Britton and Cllr Stuart Wheeler

Also Present:

Cllr Fleur de Rhé-Philippe, Cllr Fred Westmoreland and Cllr Toby Sturgis

21 **Apologies**

There were no apologies.

Cllr Graham Wright attended the meeting by phone.

22 **Notes of the Previous Meeting**

The notes of the meeting held on 10 April 2019 were presented for consideration and it was,

Resolved:

To approve and sign the notes as a true and correct record.

23 **Protocol 4 of the Constitution**

The Focus Group considered proposed revisions to Protocol 4 of the Constitution, the Planning Code of Good Practice, to improve clarity, enhance procedures and provide improved guidance and protection for members.

The Cabinet Member for Spatial Planning, Development Management and Property had been invited to the meeting, along with the Chairmen of the Strategic Planning Committee and all Area Planning Committees.

The Focus Group considered all the changes in turn, and made comments including but not limited to the following:

- The need for clarity on the applicability of the Code in relation to member involvement with enforcement matters, and a separate procedure for enforcement for the assistance of members;
- Consistent use of 'material' interest rather than 'significant' interest, which was not clear;
- Consistent wording in relation to interests and relevant non-spousal persons;
- It was requested further wording on members speaking in a personal capacity be drafted, in respect of seeking advice before doing so, noting the legal position, and potential contradiction with government guidance;
- Additional wording for nominated stand in for planning call-in and other matters in relation to death or incapacity;
- Requested redrafting on predetermination and bias to strengthen and clarify the position;
- Requested redrafting on sections relating to members meeting parties and referral of any information to planning officers;
- That the Scheme of delegation would need to be reassessed to ensure it aligns with Protocol 4 where necessary;
- Further wording in relation to training, recognising it was not legally possible to prevent someone being appointed to a committee without training, even though this would render decisions of that committee open to potential challenge.
- To ensure substitute members are also invited on site visits

It was agreed these and further changes would be circulated to the Focus Group and planning committee chairmen, and considered at the next meeting.

Resolved:

To consider a further draft of Protocol 4 electronically and at the next meeting.

24 **Protocol 12 of the Constitution**

The Focus Group considered proposed changes to Protocol 12 of the Constitution, arrangements for dealing with Code of Conduct complaints, and associated documents such as the procedure for sub-committees and assessment criteria. Further to previous meetings these changes would establish an assessment sub-committee to undertake decisions in respect of complaints rather than the present system of ad hoc review sub-committees.

The Focus Group agreed that all investigation reports would receive a recommendation from the Monitoring Officer to the Assessment Sub-Committee to determine. Other wording changes were agreed, subject to that amendment.

Resolved:

To request the Standards Committee recommend the proposed changes to Full Council.

25 **Other Items**

The meeting concluded after Minute 24.

26 **Date of Next Meeting**

The next meeting was scheduled for 14 June 2019.

27 **Urgent Items**

There were no urgent items.

(Duration of meeting: 12.00 - 2.00 pm)

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