

## APPENDIX 1B - STANDARDS COMMITTEE

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### MINUTES EXTRACT OF THE STANDARDS COMMITTEE MEETING HELD ON 1 MAY 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### 18 **Recommendations from the Constitution Focus Group**

A report was received from the Monitoring Officer outlining proposed changes to the Constitution as recommended by the Constitution Focus Group.

Part 10 of the Constitution was in relation to procurement and contract regulations. This had been updated to further simplify the regulations and clarify processes to be followed including the correction of now out of date information and the responsibilities of roles within the Council. The Focus Group had considered the changes appropriate and necessary, and the Committee was content to recommend the proposals for adoption by Full Council.

Protocol 8 was in relation to partnership working, but after review was recommended to be removed as it was not fit for purpose, sitting outside and at odds with the council's present commercial policy and approach. The Audit Committee was in agreement with the approach of removing the document, to be replaced by a partnership working framework to be adopted by Cabinet, which was felt to be a more appropriate level for the framework to be approved.

Protocol 10, which would become Protocol 9 after the partnership protocol was removed, related to the Code of Corporate Governance. The document had not been reviewed since 2010, and a revised version had been prepared to reflect Chartered Institute of Public Finance and Accountancy guidance. Both the Constitution Focus Group and Audit Committee had agreed the new protocol.

At the conclusion of discussion, it was,

#### **Resolved:**

**To recommend Council approve the revised Part 10 and Protocol 10 of the Constitution and remove Protocol 8 of the Constitution.**

### MINUTES EXTRACT OF THE STANDARDS COMMITTEE MEETING HELD ON 26 JUNE 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### 28 **Recommendations from the Constitution Focus Group**

Kieran Elliott, Senior Democratic Services Officer, presented a report detailing a series of constitutional changes recommended by the Constitution Focus Group.

It was noted that as a result of changes to the legal status of the Swindon and Wiltshire Local Enterprise Partnership, and subsequent decision by the Leader of the Council and their counterpart in Swindon Borough Council, the Joint Strategic Economic Committee terms of reference and authority would be removed from the Constitution and reported to Full Council. This would affect Part 3C Scheme of Delegation (Executive Arrangements) and Part 2 Schedule 1, Committee Structure.

Details were also reported on the ongoing work to update the formatting and numbering of the Constitution to ensure consistent presentation, under the authority delegated to the Monitoring Officer under Article 15.3.2 of Part 2 of the Constitution.

The Committee then discussed the series of changes proposed in relation to Protocol 12, Part 3B, and associated documents in relation to arrangements for dealing with Code of Conduct complaints. This followed an initial report to the Committee at its meeting on 1 May 2019.

The Committee agreed that the proposals to revise the procedure so that the Review Sub-Committee was replaced with a standing Assessment Sub-Committee, which would consider all Code of Conduct complaints, would enhance the role of Members in the process and provide a more efficient process. Queries were raised in relation to the need for complainants to provide sufficient information for a complaint to be considered, and that indicated timescales for stages of the process could be extended by the Monitoring Officer, that this would be limited and only if particular circumstances of the case justified it. It was also noted that, if approved by Full Council, it was recommended the changes come into effect from 1 January 2020 in order for town and parish councils to be informed, and to organise future meetings.

After approving the above changes for onward recommendation, the Committee considered the proposed revisions to Protocol 4 of the Constitution, Planning Code of Good Practice. It was noted that the revision process had begun following a recommendation relating to site visit procedures from an overview and scrutiny task group. The Focus Group had considered the overall protocol was also in need of review and considered revisions to the entire protocol.

It was explained that all planning committee chairmen and the relevant Cabinet Member had been invited to attend the meetings of the Focus Group which had considered the revised protocol to contribute to its development.

Details were provided of proposed revisions, including additional detail on member responsibilities, bias and predetermination, planning committee training, legislative and procedural updates and other changes.

The Committee discussed the proposed revisions at length, in particular in relation to declaration of non-pecuniary interests and at what level these should be declared and whether the member should at that point seek advice on whether to participate or vote upon an application. Some members considered

that reference to material interests in an application lacked appropriate definition, whereas others considered the phrase had an accepted ordinary meaning indicating that not all interests should require a member seeking advice or not participating, but that a certain level of interest would require this. After debate, it was agreed to retain the wording as detailed in the agenda papers.

At the conclusion of discussion, it was,

**Resolved:**

- 1) **To recommend Full Council approve the revisions to Protocol 12 and Part 3B of the Constitution in relation to the arrangements for dealing with Code of Conduct complaints, such revised arrangements to take effect from 1 January 2020 after town and parish councils have been informed of the changes.**
- 2) **That, subject to Council's approval of the revised arrangements, the Standards Committee adopt the proposed revisions to the Assessment Criteria and Assessment Sub-Committee procedure.**
- 3) **To recommend Full Council approve the proposed revisions to Protocol 4 of the Constitution.**
- 4) **To note the changes to Part 3C of the Constitution which are expected to be reported to the next meeting of Full Council in relation to the Joint Strategic Economic Committee.**
- 5) **To note the ongoing updates to the Constitution by the Monitoring Officer under Article 15.3.2 of Part 2 delegated authority.**