

## FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION

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### MINUTES OF THE FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION MEETING HELD ON 21 FEBRUARY 2012 AT COMMITTEE ROOM VII - COUNTY HALL, TROWBRIDGE.

#### Present:

Cllr Nigel Carter, Cllr Peter Doyle, Cllr Jon Hubbard, Mrs I McCord (Chair), Mr S Middleton, Mr Paul Neale, Cllr Ricky Rogers, Cllr Anthony Trotman and Cllr Stuart Wheeler

#### Also Present:

Mr John Scragg

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#### 11. Apologies

There were no apologies for absence, but Cllr Stuart Wheeler and Cllr Peter Doyle gave notice that they would have to leave the meeting at 1600.

#### 12. Minutes of the Previous Meeting

The minutes of the meeting held on **16 January 2012** were presented.

It was,

#### Resolved

**To approve the minutes as a correct and true record.**

#### 13. Declarations of Interest

There were no declarations of interest.

#### 14. Date of the Next Meeting

The date of the next meeting was confirmed as Friday 30 March 2012 at 10:30am.

## 15. Localism - Standards Regime

At its meeting on 16 January 2012, the Focus Group resolved to consider further the details and key issues arising from the new standards framework introduced by the Localism Act 2011.

The Monitoring Officer introduced a report on the new standards framework previously presented to the Standards Committee at its meeting on 25 January 2012. It was noted that the issue of the new rules on predetermination had been raised at the meeting on 16 January 2012, and had been incorporated into the Council's Planning Code of Good Practice, subject to approval by the Focus Group, Standards Committee and Council.

The Monitoring Officer then invited the Members to consider the following issues arising from the new rules as detailed in the Localism Act:

- Whether to have a Standards Committee?
- What Code of Conduct should be adopted?
- What arrangements should be adopted for dealing with misconduct complaints?
- What arrangements should be made for the appointment of Independent Persons?
- What arrangements should be adopted for granting dispensations?
- What support is to be provided to Parish Councils in implementing the new arrangements?

A discussion followed, during which the following were covered:

- the form of any new standards committee;
- the fact that co-opted members would be non-voting, unlike at present;
- regulations are awaited on pecuniary interests; until these are available it is not possible to finalise a the code of conduct;
- The new code of conduct should aim to be simpler and minimalistic;
- the role and restrictions on the appointment of the Independent Person;

- The Focus Group expressed appreciation for the significant contribution made by current independent members of the Standards Committee.
- the rules on dispensation, which are wider than under present legislation and the desirability of a sub-committee determining requests for dispensation;
- The Monitoring Officer updated the Focus Group on his communications with town and parish council clerks on the arrangements for the new standards framework; most town and parish councils appear to favour adopting Wiltshire Council's code of conduct; he advised that no charge could be levied on town/parish councils for dealing with complaints against town and parish councillors as this was a statutory duty for Wiltshire Council.

The Monitoring Officer then introduced draft documents for the following:

- Arrangements for dealing with Code of Conduct Complaints;
- Process for Code of Conduct Complaints Chart;
- Terms of Reference for a new standards committee;
- Job Description and Person Specification for the role of Independent Person

The Focus Group were informed that the Standards Task and Finish Group had been unable to meet to discuss the draft documentation and offer its recommendations and comments, but Mr John Scragg of the Task Group was in attendance to assist with the discussions of the Focus Group.

The Focus Group reviewed the draft documents in depth and proposed various amendments as shown tracked on the attached drafts.

### **Resolved**

**To ask the Standards Committee to consider the attached documents, as amended, and, subject to any changes the Standards Committee is minded to make, to recommend adoption by the Council accordingly.**

#### 16. **Planning Code of Good Practice**

This item was deferred until the meeting on 30 March 2012.

#### 17. **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.35 - 6.40 pm)

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