

CONSTITUTION FOCUS GROUP

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 2 SEPTEMBER 2015 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Stuart Wheeler (Chairman), Cllr Julian Johnson, Cllr Jeff Osborn and Miss Pam Turner

27 **Apologies**

Apologies were received from Councillors Ernie Clark, Jon Hubbard and Helen Osborn, and Mr Paul Neale.

28 **Minutes of the Previous Meeting**

The minutes of the meeting held on 11 June 2015 were presented for consideration and it was,

Resolved:

To APPROVE and sign as a true and correct record.

29 **Review of Part 13: Code of Conduct**

Following a review of the effectiveness of the Code of Conduct complaints procedure after several years of operating under the new standards regime, the Standards Committee resolved at its meeting on 21 January 2015 to task the Monitoring Officer to draft proposals to strengthen the Code of Conduct, to address any potential gaps or enhance specific areas as necessary. Prior to consideration of the revised Code by the Standards Committee, it was determined to seek the views of the Constitution Focus Group.

Following introduction of the revisions from the Chairman of the Standards Committee, the Monitoring Officer presented a revised Code of Conduct for consideration and debate, as detailed in the Agenda Supplement. It was explained that the Codes of other authorities had been examined to assess whether there were aspects which it would be appropriate to include within Wiltshire's Code. The Focus Group then debated each potential addition and any other changes that might be appropriate in turn:

- The Focus Group were in agreement that additions to include treating others with respect, not to bully or intimidate any person, and not to do anything that might cause an Authority to breach the Equality Act 2012 or other relevant equality enactments, would be positive additions to the Code. It was felt that while robust language was to be expected at times when operating in a political capacity, it was important councillors at all levels treat people with respect.
- The Focus Group was also in agreement at including detailed provisions on not disclosing confidential information except in specific circumstances, and suggested amendments to make these clearer.
- There was debate about how a councillor's conduct would be defined as 'reasonably' bringing their office into disrepute, and the distinction between acting in one's capacity as a member or as a member of the public, but concluded that such a provision should be included in the revised Code.
- The Focus Group discussed a proposed provision on not compromising the impartiality of those who work for on or behalf of a relevant authority, and how this was defined, and recommended the Standards Committee consider the issue carefully when debating the draft revisions, without offering a settled view themselves.

The Focus Group also discussed the elements of the Code in relation to registering interests, which it was stated had been of increasing relevance to many complaints, and had also been used to challenge the lawfulness of some council decisions.

- It was noted that in addition to statutory pecuniary interests that needed to be registered, authorities could and many did specify additional non-pecuniary interests which members would be required to register on their register of interests form. While Council had initially determined not to include additional interests, the Focus Group noted the increasing use of a failure to register certain non-pecuniary interests in complaints or to challenge the lawfulness of decisions on the grounds of openness, transparency and accused predetermination of decisions. The Focus Group concluded that if there was any doubt in a member's mind at present they were advised to disclose their interest at a meeting as a precautionary measure, and that if specific interests in relation to membership of other bodies and other organisations was listed on the register of interests, this would insulate the member and the authority from complaints or challenges on that basis.
- The Focus Group also noted the decision of the Standards Committee to reintroduce a gifts and hospitality register on each members' register of interest form, and endorsed the proposed register level of a gift , benefit or hospitality in excess of £50.

The Focus Group also noted and endorsed the view of the Standards Committee that the lack of available sanctions for those found in breach of a Code, other than recommendations to Group Leaders/Parish Councils to remove a member from a committee or working group, or public censure, limited the effectiveness of the Code. In particular, it was felt the lack of appropriate sanctions, along with the current difficulty for certain inappropriate behaviours to be tied to the Code as written, risked damaging the public perception of members to be held to proper account. The Focus Group therefore urged further efforts to lobby for improved powers to sanction members found in breach, including working through the Local Government Association to put the view to central government.

Resolved:

To report the views of the Focus Group on the draft revised Code of Conduct to the Standards Committee on 16 September 2015.

30 **Forward Plan and Date of Next Meeting**

The Focus Group noted the proposed Forward Plan and the date of the next scheduled meeting as 2 December 2015.

31 **Urgent Items**

There were no urgent items.

(Duration of meeting: 12.00 - 1.15 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic & Members' Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115