

Constitution Focus Group

NOTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 27 OCTOBER 2021 AT ONLINE MEETING.

Present:

Cllr Ian Blair-Pilling (Chairman), Cllr Richard Britton, Cllr Jon Hubbard, Cllr Ian Thorn, Cllr Graham Wright, Cllr Stuart Wheeler and Cllr Pip Ridout

Also Present:

Cllr Christopher Newbury, Cllr Jonathon Seed and Cllr Paul Oatway QPM

4 Code of Conduct

Following publication of the report of the Committee on Standards in Public Life in January 2020 following its review of local government ethical standards, the Local Government Association had undertaken a review of its model Code of Conduct. The Standards Committee had contributed to that review, and the LGA had published a proposed Model Code in December 2020. The Standards Committee at its meeting in February 2021 had resolved to refer the matter to the Focus Group for any comments it considered appropriate, to follow the local elections in May 2021. The Committee had not itself indicated it endorsed or rejected the Model Code.

The Focus Group considered a report on the Model Code, including noting it was much more detailed than the current light touch Code adopted following the creation of the existing standards regime following enactment of the Localism Act 2011. Unlike the existing Code it included specific provisions on respect and bullying, as well as examples of specific behaviours considered to be likely to be in breach.

Some members considered the current procedures for Code of Conduct complaints, with an Assessment Sub-Committee reviewing complaints, was operating well, or that the Model Code would be a departure from the intended position for the Localism Act and the Council's prior decisions to adopt a light touch Code. Others had concerns about the effectiveness of the current standards regime, but did not see that the Model Code addressed the concerns relating to inability to provide more effective sanctions, as this would require legislative changes rather than amendment of council Codes. The position of towns and parishes was also raised, noting that many in Wiltshire adopted the same Code as Wiltshire Council, and that their input may be necessary if considering substantial changes to the Wiltshire Council Code.

At the conclusion of discussion the Focus Group did not consider that it would be appropriate or effective to propose adoption of the LGA Model Code. They

did, however, agree that reference to the Behaviour's Framework to which members should 'have regard' should be amended to reflect the position of the Staffing Policy Committee which had removed that staff facing document with an alternative 'epic values' framework.

Resolved:

That the Code be amended to reflect the changes to the behaviours framework.

6 Voting Record

A query from a member of the public had been submitted to Standards Committee in February 2021 and referred to the Focus Group in relation to the practice of voting at Full Council meetings. Under the council's procedures when utilising electronic voting capability votes for, against and in abstention were recorded, but members could choose to cast no vote, and the member of the public wishes the Code of Conduct or its guidance to be updated to state as best practice an active vote should be cast at all meetings in the interests of openness and transparency, as opposed to non-votes whilst present not being officially recorded.

The Focus Group did not consider it was appropriate to seek to restrict even by suggestion how members should exercise or not exercise how they should vote. They noted that if a member was present this was recorded in the minutes, and their name being absent from a recorded vote would therefore indicate an effective abstention or absence from an item.

(Duration of meeting: 3.30 - 4.40 pm)

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

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