

## 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 12 MARCH 2013 AT THE PITMAN ROOM - CIVIC CENTRE, ST STEPHENS PLACE, TROWBRIDGE. BA14 8AH.

#### Present:

Cllr Nigel Carter, Cllr Julian Johnson, Cllr Jonathon Seed and Cllr Stuart Wheeler

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#### 10 Apologies

Apologies were received from:

Councillors Peter Doyle, Jon Hubbard and Christopher Newbury  
Co-opted members Paul Neale and Pam Turner

#### 11 Minutes of the previous meeting

The Solicitor to the Council reminded the Focus Group that the recommendations from the meeting held on 24 January 2013 would be considered by the new Standards Committee and then the new Council following the Local Council Elections in May 2013.

The minutes from the meeting held on 24 January 2013 were presented and it was,

#### **Resolved:**

That the minutes of the meeting held on 24 January 2013 be approved as a true and correct record.

#### 12 Declarations of Interest

There were no declarations of interest.

#### 13 Draft Procedure - Protocol 2 - Appendix to Member/Officer Relations - Update

The Focus Group considered the report of the Solicitor to the Council and Monitoring Officer about revisions to the Councillor Officer Relations Protocol to

reflect changes made at the last meeting of the Focus Group on 24 January 2013.

Members were reminded that the Councillor Officer Relations Protocol (Protocol 2 of the Constitution) had been amended to reflect changes in the codes of conduct for councillors and officers, the introduction of the council's behaviours framework, and to provide further clarification of the process for resolving situations where differences arose between councillors and officers. In addition the opportunity was taken to tidy up some of the provisions.

It was noted that this was a key document for the guidance and assistance of councillors and officers and the content would form part of the induction programme for new councillors following the election in May 2013.

Members attention was draw to the amendments made at the last meeting in particular paragraph 15 of the Protocol – How to Resolve Issues, which set out in more detail arrangements for dealing with differences that could arise between Officers and Councillors. The Focus Group looked again at the text of Protocol 2, and noted in particular:

- Paragraph 9.6 – the need for guidance on information legislation when sending sensitive emails in connection with Council business;
- Paragraph 15.3 – additional wording to be included in relation to timescales for registering a formal complaint;
- Paragraph 15.5 – to delete this paragraph;

**Resolved:**

**To recommend that the Standards Committee of the new Council consider the proposed amendments to the Councillor Officer Relations Protocol, as attached at Appendix A to these minutes, and recommend full Council adopt the changes agreed.**

14 **Protocol 3 - Guidance to Councillors on Outside Bodies**

The Focus Group considered the report of the Solicitor to the Council and Monitoring Officer about proposed changes to Protocol 3 - Guidance to Councillors on Outside Bodies, to reflect changes in the Members' Code of Conduct and the rules on predetermination arising from the Localism Act 2011.

Members noted that Protocol 3 set out the main issues which Councillors should consider when appointed by the Council to serve on outside bodies. It supplemented the advice included in paragraph 13 of the Councillor/Officer Relations Protocol, which formed part of the Council's Constitution.

The Focus Group considered the amendments detailed in the report and felt it would be helpful for the Protocol to include some guidance on dual-hatted members, in particular Wiltshire Councillors who are also Parish or Town Councillors or School Governors, and also some concise guidance on the law of bias.

**Resolved:**

**To recommend that the Standards Committee of the new Council consider the amendments to Protocol 3 – Guidance to Councillors on Outside Bodies, as highlighted in Appendix B attached to these minutes, and recommend full Council adopt the changes agreed.**

15 **Protocol 4 - Planning Code of Good Practice - Update**

The Focus Group considered the report of the Solicitor to the Council and Monitoring Officer on revisions to the Council's Planning Code of Good Practice in the light of the comments made at the last meeting on 24 January 2013.

The report explained that at its meeting on 15 May 2012 Council agreed amendments to the Planning Code of Good Practice to reflect the provisions of the Localism Act 2011 on the subject of predetermination, recognising that further amendments would be necessary to deal with changes in the new rules on interests, which came into effect with the new standards regime on 1 July 2012.

Members were reminded that at its last meeting the Focus Group considered revisions to The Planning Code of Good Practice reflecting the requirements of the Council's new Code of Conduct for Members and the new rules on registration and declaration of interests. The Monitoring Officer was asked to make further revisions in the light of the comments made by the Focus Group, ensuring that the Code was no more restrictive than the new standards regime required.

Members attention was drawn to the amendments made at the last meeting in particular paragraphs 1.2, 2.2, 3.1, new 5.1 and 7.1 of the Protocol. Comments were made on the above amendments and also on paragraph 9.7 in relation to decisions contrary to officer recommendations.

**Resolved:**

**To recommend that the Standards Committee of the new Council consider the proposed amendments to Protocol 3 - Council's Planning Code of Good Practice attached, as highlighted at Appendix C to these minutes, and recommend to full Council the changes agreed.**

16 **Code of Conduct - Registration of Additional Interests - Update**

The Focus Group considered the report of the Solicitor to the Council and Monitoring Officer about revisions to the draft Code of Conduct in the light of the comments made at the last meeting on 24 January 2013.

Members were reminded that at its last meeting the Focus Group considered revisions to the Code of Conduct, which included changes to the registration and declaration of interests and the deletion of appendices 3 – a list of the statutory disclosable pecuniary interests and 4 – other additional interests.

**Resolved:**

**To recommend that the Standards Committee consider the amendments to the Code of Conduct – Registration of Additional Interests, as highlighted at Appendix D to these minutes, and recommend to full council the changes agreed.**

17 **Forward Work Plan**

**Resolved:**

**To note the future Work Plan.**

18 **Date of next meeting**

**Resolved:**

**To agree future meetings of the Focus Group once the membership has been agreed by the new Council after May 2013.**

(Duration of meeting: 10.00 - 11.50 am)

The Officer who has produced these minutes is Stuart Figini, of Democratic & Members' Services, direct line 01225 718376, e-mail [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

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