

Wiltshire Council

Council

10 May 2016

Recommendations of the Standards Committee on Changes to the Constitution

Purpose of Report

1. This report asks Full Council to consider recommendations of the Standards Committee on Changes to the Constitution on the following matters:
 - a) Part 13: Members Code of Conduct (**Appendix 2**)
 - b) Part 12: Roles and Responsibility for Councillors (**Appendix 3**)
 - c) Part 4: Council Rules of Procedure (**Appendix 4**)

Background

2. The Standards Committee has responsibility for oversight of the Council's constitution. It has established a cross party working group, known as the Constitution Focus Group, to advise and assist in carrying out this function.
3. The Focus Group met on 2 September 2015 and 22 March 2016, to review the sections of the constitution as detailed in paragraph 1 and made a series of recommendations.
4. The Standards Committee considered those recommendations in respect of Part 13: Members Code of Conduct on 16 September 2015 and in respect of Part 12: Roles and Responsibilities for Councillors and Part 4: Councils Rules of Procedure on 27 April 2016.
5. A briefing for councillors on the Standards Committee recommendations arising from those meetings will be held on **4 May 2016**.

Main Considerations

6. The minutes of the meetings held on 16 September 2015 and 27 April 2016 are attached at **Appendix 1a and 1b**.

(a) Part 13 Members Code of Conduct

7. At its meeting on 16 September 2015 the Standards Committee agreed to recommend Council to adopt changes to the Code of Conduct as set out at **Appendix 2a**.
8. The report considered by the Standards Committee on 16 September 2015 together with relevant appendices is included at **Appendix 2b**.

9. As detailed in that report and the minutes of that meeting, the proposed changes include additional provisions in relation to member conduct providing more specificity, and registration of non-pecuniary interests.
10. The proposed changes also include a requirement to register gifts and hospitality exceeding £50 in value, relating back to a motion which was originally referred from Full Council on 21 October 2014.
11. As principal authority Wiltshire Council deals with all Code of Conduct complaints for unitary, parish, town and city councillors in accordance with its agreed complaints procedure. A significant proportion of Wiltshire's parish, town and city councils have adopted the same code of conduct as Wiltshire Council. Subject to Council's decision, they would be advised of any changes and it would then be a matter for each council to decide whether they wished to adopt the changes or not.

Recommendation

12. **That Council approves changes to the Code of Conduct in Part 13 of the Constitution, as shown in the tracked change document at Appendix 2a.**

(b) Part 12 Councillors Roles and Responsibilities

13. At its meeting on 27 April 2016 the Standards Committee agreed to recommend Council to adopt changes to the Roles and Responsibilities of Councillors at Part 12 of the constitution. The recommended changes can be found at **Appendix 3a**.
14. The report considered by the Standards Committee on 27 April 2016 together with the supporting appendices is included at **Appendix 3b**, with the relevant minute at **Appendix 1b**.
15. As detailed in that report, the changes relate to the adoption of a Corporate Parenting Strategy at Part 12A and revised terms of reference for the Corporate Parenting Panel. The request to include this in the Constitution was made by the Corporate Parenting Panel following a recent Ofsted inspection.
16. As a result of the changes the terms of reference for the Safeguarding Children and Young People Panel will move to a new Part 12B.

Recommendation

17. **That Council approve changes to Part 12 of the Constitution, as shown in the tracked change document at Appendix 3a.**

(c) Part 4 Council Rules of Procedure

18. At its meeting on 27 April 2016 the Standards Committee agreed to recommend the Council to adopt changes to the Council's Rules of procedure in Part 4 of the constitution. The recommended changes can be found at **Appendix 4a**.

19. The report considered by the Standards Committee on 27 April 2016 together with relevant appendices is included at **Appendix 4b**, with the relevant minute at **Appendix 1b**.
20. As detailed in that report, the changes relate to amendments to the rules on submission of public questions to council and committees, and the right of a Cabinet Member to reply to points raised during debate of motions on notice.

Recommendation

21. **That Council approve changes to Part 4 of the Constitution, as shown in the tracked change document at Appendix 4a.**

Safeguarding Implications

22. There are no safeguarding issues arising from this report.

Equalities Impact of the Proposal

23. There are no equalities impacts arising from this report.

Risk assessment

24. There are no significant risks arising from this report.

Financial Implications

25. There are no financial implications arising from this report.

Legal Implications

26. The recommendations in this report are consistent with the Council's obligations under the relevant legislation,

Public Health Impact of the Proposals

27. There are no public health impacts arising from this report.

Environmental Impact of the Proposals

28. There are no environmental impacts arising from this report.

Conclusion and Proposal

29. **That Council approve the changes to the Constitution as set out in paragraphs 12, 17 and 21 above.**

Ian Gibbons, Associate Director, Legal and Governance and Monitoring Officer

Report Author: Kieran Elliott, Senior Democratic Services Officer,
kieran.elliott@wiltshire.gov.uk , 01225 718504

Appendices:

Appendix 1a - Minutes, Standards Committee 16 September 2015

Appendix 1b - Draft Minutes, Standards Committee, 27 April 2016

Appendix 2a - Part 13 Tracked Changes, Code of Conduct

Appendix 2b - Report to Standards, Code of Conduct Changes, 16 September 2016

Appendix 3a - Part 12 Tracked Changes, Roles and Responsibilities of Councillors

Appendix 3b - Report to Standards, Roles and Responsibilities of Councillors, 27 April 2016

Appendix 4a - Part 4 Tracked Changes, Council Rules of Procedure

Appendix 4b - Report to Standards, Council Rules of Procedure, 27 April 2016

Background Papers:

Full reports (including appendices) for the meetings of Standards on [21 January 2015](#) (Review of the Effectiveness of the Code of Conduct for Members Update) and [16 September 2015](#) (Review of Part 13 of the Constitution: Code of Conduct), can be found online as linked above.