

Wiltshire Council

Full Council

21 February 2017

Standards Committee Recommendations on Changes to the Constitution – Protocol 12

Purpose of Report

1. This report asks Council to approve changes to the Constitution as recommended by the Standards Committee.

Background

2. Following a review by the Standards Committee Council approved guidance to the Code of Conduct at its meeting on 12 July 2016.
3. The Standards Committee then undertook a review of the procedure for dealing with complaints under the Code of Conduct. These arrangements came into force on 1 July 2012 following adoption at Council on 26 June 2012, and have not been reviewed since.

Main Considerations

4. The Constitution Focus Group appointed by the Standards Committee to review Constitutional matters met on 6 September 2016 to consider the existing procedure for dealing with complaints under the Code of Conduct.
5. The documents considered by the Constitution Focus Group were:
 - Protocol 12 of the Constitution: Procedure for dealing with Code of Conduct Complaints
 - Local Assessment Criteria for Code of Conduct Complaints
 - Procedure Notes for Review Sub-Committees
6. Only Protocol 12 is a document of the Constitution. The Local Assessment Criteria is included as part of the guidance adopted by Council on 12 July 2016.
7. The Constitution Focus Group and then Standards Committee considered the following aspects of the complaints procedure, arising from comments made by complainants, subject members, councillors serving on review and hearing sub-committees, officers supporting the process and the Council's three Independent Persons:
 - Confidentiality of proceedings and enforcement of obligation of confidentiality;
 - Dealing with trivial or vexatious complaints;
 - Informal resolution and mediation - use of independent persons;

- Timescales for subject members to respond and for arranging assessments, reviews and hearings;
 - Support for subject members;
 - Clarity regarding the power of the Review Sub-committee to 'dismiss the complaint or take no further action on the complaint';
 - Sanctions;
 - Publication of the procedure and information to parties on the process;
8. The Constitution Focus Group did not consider that significant changes were necessary in relation to Protocol 12; however, they felt the existing procedures, which they considered worked well, could be clarified and enhanced with some alterations.
9. The Standards Committee considered that recommendation and made some other minor alterations. The minutes of the meeting of Standards Committee on 26 January 2017 are included at **Appendix 1**.
10. The proposed changes to Protocol 12 are shown as tracked changes at **Appendix 2**.

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk assessment

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

Financial Implications

14. There are no direct financial implications arising from this report.

Legal Implications

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

Public Health Impact of the Proposals

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

Environmental Impact of the Proposals

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

Recommendation

- 18. The Council approve changes to Protocol 12 of the Constitution as detailed in Appendix 2.**

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Appendices:

Appendix 1 - Minutes of Standards Committee 26 January 2017
Appendix 2 - Revised Protocol 12

Background Papers:

None
