

CONSTITUTION FOCUS GROUP

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 9 JANUARY 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Richard Britton and Cllr Stuart Wheeler

1 **Apologies**

Apologies were received from Councillors Ian Thorn, Jon Hubbard and Graham Wright.

It was also reported that at its meeting on 26 September 2018 the Standards Committee had resolved that Councillor Stuart Wheeler would as a standing matter attend the Focus Group on behalf of the Chairman of the Standards Committee, Councillor Paul Oatway QPM.

2 **Notes of the Previous Meeting**

The notes of the meeting held on 5 September 2018 were presented for consideration and it was,

Resolved:

To approve and sign as a true and correct record.

3 **Protocol 1: Member Officer Relations**

At previous meetings the Focus Group had proposed a revised version of Protocol 1: Member-Officer Relations to the Standards Committee. This had been recommended to Council which had approved the Protocol at its meeting on 16 October 2018.

At its meeting on 5 September 2018 the Focus Group had additionally requested an appendix be provided to the protocol setting out practical examples and explanations of the rights of members to access confidential and exempt information to supplement the technical information as set out in Part 5 of the Constitution.

A draft was received and the Focus Group discussed the level of detail that was included, and suggested minor amendments to improve clarity including in relation to what constituted a private meeting, being a formal meeting of the council held wholly or in part in private session, not merely informal gatherings

of groups or bodies within the council. This was reflected by definitions within relevant legislation.

Subject to minor clarifications, it was,

Resolved:

That the proposed appendix to Protocol 1 be considered by Standards Committee with the recommendation it be approved by Full Council.

4 Part 4: Council Rules of Procedure

At previous meetings the Focus Group had proposed a revised version of Part 4: Council Rules of Procedure to the Standards Committee. This had been recommended to Council which had approved the revisions at its meeting on 16 October 2018.

At its meeting on 5 September 2018 the Focus Group had additionally requested further changes in respect of substitution arrangements owing to a lack of clarity as to when and to whom a member needed to inform of a substitution, and the appropriate response in the absence of such notification. Also requested was preparation of a guidance note to clarify the operation of those arrangements. That guidance note would not form part of the constitution.

The Focus Group considered the sections relating to substitution, and considered that changes should be made clarifying further that it was the responsibility of the member of a committee who was to be absent to inform, in writing, the proper officer for that committee of that absence, and any substitution that had been arranged. They considered that it was acceptable that a group leader should also be listed as able to inform the proper officer of such an absence or substitution arrangements, but that it was not appropriate, necessary or administratively convenient to constitutionally authorise other persons to make such arrangements on behalf of the committee member. It was felt that the possibility of a member being unable to notify the proper officer of an desired substitution in time was more acceptable than accepting an unauthorised or improperly authorised substitute, which could lend weight to formal challenge of a committee's decisions.

It was agreed specific mention should be made that in cases of exceptional urgency notice of absence and substitution could be made verbally and subsequently confirmed in writing.

Subject to minor clarifications, it was,

Resolved:

That the proposed revisions to Part 4 be considered by Standards Committee with the recommendation it be approved by Full Council.

That the proposed guidance note to members be updated accordingly.

5 **Forward Plan and Dates of Next Meetings**

The dates of forthcoming meetings were noted.

In accordance with previous decisions of the Focus Group and Standards to request updated and consistent presentation of the Constitution, it was reported that formatting and numbering changes had been made to Parts 5, 6, 7 and 8 of the Constitution, and that these would be uploaded accordingly after approval under delegated authority by the Monitoring Officer.

6 **Urgent Items**

There were no urgent items.

(Duration of meeting: 1430-1530)

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

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