

MINUTES EXTRACT OF THE STANDARDS COMMITTEE MEETING HELD ON 23 JANUARY 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN

9 Recommendations of the Constitution Focus Group

A report was presented by Kieran Elliott, Senior Democratic Services Officer, outlining recommendations from the Constitution Focus Group in relation to Protocol 1 (Member-Officer Relations) and Part 4 (Council Rules of Procedure). On the recommendation of the Standards Committee Full Council on 16 October 2018 had approved previous changes to both sections, noting that some additional proposed revisions would follow at a later date.

The proposal in relation to Protocol 1 was an appendix setting out in further practical detail the rights of access of members to confidential or exempt information, and how they could request access and demonstrate their need to know the specified information. The proposal in relation to Part 4 were amendments to the provisions relating to substitution on committees, in particular to clarify that it was the responsibility of the member who was to be substituted to arrange such a substitution, and inform the proper officer in writing. A guidance note had been prepared to assist the interpretation of the relevant proposed provisions within the constitution.

Mr Francis Morland made a statement in relation to the proposals, relating to statutory rules on proportionality on committees, and he considered that the proposed guidance was not compliant with those rules. The Monitoring Officer, Ian Gibbons, in reply stated that he did not accept this was the case and that the proportionality arrangements were abided by. During wider discussion with the Committee regarding the nature of the substitution arrangements generally, which were common in many authorities, it was stated that those common arrangements had not been subject to legal challenge and were regarded as reasonable procedures to adopt.

The Committee discussed the proposals from the Focus Group, and considered that the proposed changes and guidance note would be helpful additions to clarify the rights of members and procedural requirements respectively, and noted the inclusion of urgency provisions in the event a member, for an exception reason, was unable to inform the proper officer in writing.

Therefore, at the conclusion of discussion, it was,

Resolved:

To recommend that Council approve the changes to Protocol 1 and Part 4 of the Constitution as set out in the report.