

STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 26 OCTOBER 2010 AT COMMITTEE ROOM III - COUNTY HALL, TROWBRIDGE.

Present:

Wiltshire Council Members

Cllr Julian Johnson and Cllr Ian McLennan

Town/Parish Council Co-opted Members

Mr Paul Neale, Mr Robert Oglesby JP and His Hon David MacLaren Webster QC

Independent co-opted Members

Mrs Jane Bayley, Mr Michael Cronin, Mr Philip Gill MBE JP, Mrs Isabel McCord (Chairman), Mr Ian McGill CBE and Mr Stuart Middleton

83. Apologies

Apologies for absence were received from Cllr Nigel Carter, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Malcolm Hewson, Mr William Bailey, Mr Craig McCallum, Mr John Scragg, Miss Pam Turner, Mr Keith Wallace and Mr Gerry Robson OBE.

84. Chairman's Announcements

There were no Chairman's announcements.

85. Declarations of Interest

There were no declarations of interest.

86. Public participation

There were no members of the public present.

87. Review of the Constitution of Wiltshire Council

Consideration was given to a report by the Monitoring Officer on the outcome of the review of the constitution for onward recommendation to Council on 9 November 2010.

The Chairman reminded the Committee that the constitution had last been reviewed in 2009/10 to ensure that it would meet the needs of the new Wiltshire Council when it came into effect as a unitary authority on 1 April 2009. The Council had adopted the new constitution on the basis that a review of the constitution's effectiveness would be carried in the light of experience after six months of operation. Council requested this Committee to carry out the review.

Accordingly, this Committee established a cross party Focus Group which included representation from the Standards, Audit and Overview and Scrutiny Committees to undertake the detailed work on the review. The Focus Group chaired by the Chairman of the Standards Committee met on four occasions between March and October 2010 and examined in detail the various Parts and Protocols which made up the constitution. Responses to a questionnaire on the constitution from members of the Council and views from the public in response to an online snap survey were also taken into account. It was noted that town and parish councils had also been given the opportunity to comment on the review.

The Focus Group proposed a number of changes identified as tracked changes in a recommended revised draft of the constitution as presented to the Committee. The Democratic Governance Manager presented and guided the Committee through a summary of the main changes proposed as set out in Appendix 5 of the report presented.

It was noted that the review carried out took into account the outcomes of separate reviews undertaken in respect of Area Boards, Overview and Scrutiny arrangements and Development Control.

Cabinet at its meeting on 19 October 2010 considered a report on the outcome of the review of the Development Control Service. That report included proposals to amend the Scheme of Delegation on Planning and the Planning Code of Practice for Members of Wiltshire Council Protocol.

The Committee noted that Cabinet had resolved to defer consideration of that review until such time as the implications of any changes to the planning system as a result of the Decentralisation and Localism Bill were known. In the meantime, Cabinet also resolved to establish a Working Group to consider the issue of the 21 day call-in period in more detail.

The Committee noted the proposed inclusion of the following three new Protocols in the constitution for the reasons outlined in the report. The Monitoring Officer explained the main provisions of each Protocol:

- Guidance to Councillors Appointed to Outside Bodies
- Partnership
- Governance Reporting Arrangements

The Chairman drew the Committee's attention to the following matters which remained outstanding at this stage:

Cabinet member response times

The Member Support in the Locality Task Group had recommended inclusion of a provision in the constitution setting out a specific timescale for Cabinet members to respond to other members of the Council. Members of the Focus Group considered this and suggested a form of wording and timescale as detailed in the report presented. However, Cabinet members had commented that it would be unrealistic on occasions particularly due to holidays and other absences to adhere to the suggested timescales. They suggested a broader protocol to the effect that every effort should be made to provide a prompt response wherever possible with this being applied to all Councillors and not just Cabinet members.

The Committee considered these views and concluded that whilst it would be useful to include an appropriate timescale for responses this was a matter for Councillors to determine and requested that this be reflected in the recommendations to Council.

Media Relations Protocol

The Committee noted that this Protocol was currently being redrafted at the request of the Focus Group. The intention was to produce a revised draft for initial consideration by Group Leaders before being presented to Council if this could be achieved within the timescale. The Monitoring Officer explained that the Protocol would need to reflect the provisions of a revised Code of Practice on Local Authority Publicity which was currently out for consultation.

Amendments to motions – Rules of Procedure - Council

Following concerns previously expressed by Councillors on the application of this rule, the Focus Group requested the Monitoring Officer to draw up a convention on the application of this rule acceptable to the Chairman of Council and Group Leaders. The Monitoring Officer explained that he was currently working on producing such a convention which would be circulated to Group Leaders and the Chairman of Council for their comments prior to consideration by Council.

The Chairman requested that the report to Council on the outcome of the review of the constitution include a specific section on outstanding issues as detailed above for determination by Council.

The Chairman sought the Committee's views on the thoroughness and effectiveness of the review, the proposed amendments to the constitution and the proposals as set out in the report which would form the basis of recommendations to Council on 9 November.

The Committee confirmed it was satisfied with the way in which the review had been carried out. The Committee also recommended a number of further changes to be reflected in the revised draft constitution being recommended to Council as detailed below.

Resolved:

- (a) That the following additional amendments be reflected in the revised draft constitution:
- (i) To transfer the section on the Corporate Parenting Panel from Part 3 - Responsibility for Functions (on the basis that the Panel did not form part of the formal decision making structure) to Part 12 - Members' Job Description (see (ii) below) in the context of existing reference to Councillors acting as Corporate Parents.
 - (ii) That Part 12 – Members' Job Description be renamed 'Role and Responsibilities of Councillors' to better reflect the content of the document. That this Part be specifically reviewed in any subsequent review of the constitution.
 - (iii) To widen the category of persons who can submit a question or make a statement as set out in Part 4 - Rules of Procedure – Council to be consistent with the categories referred to in the section on petitions.
 - (iv) To clarify that the deadline for submitting questions at meetings is four clear working days before a meeting as referred to in Part 4 - Rules of Procedure – Council.
 - (v) To remove the document 'One Council One Culture – What will we be like?' from Protocol 2 – Councillor/Officer Relations Protocol. Whilst relevant when the current constitution was adopted, was now largely out of date. Consideration would be given to including the outcome of work on 'Shaping the Future' in any subsequent review of the constitution.
- (b) The level of allowances paid to members of the Standards Committee be reviewed at the next meeting in light of current financial pressures faced by the Council.

Recommended to Council:

- (a) To approve the changes proposed to the constitution shown as tracked changes on the draft revised constitution for adoption by

Council at its meeting on 9 November 2010 (summary of main changes referred to in Appendix 5 of the report presented).

- (b) To approve for inclusion in the constitution the Protocol on Partnerships, the Protocol on Guidance to Councillors on Outside Bodies and the Protocol on Governance Reporting Arrangements.**
- (c) To note that the Protocol on Media Relations is still under review and that a revised Protocol would be considered by Group Leaders before being presented to Council as part of the revised constitution.**
- (d) That Council determines the issue of whether or not provision should be made in the constitution in respect of response times by Cabinet members.**
- (e) To note the decision of Cabinet dated 19 October 2010 to defer consideration of the review of the Development Control Service until such time as the implications of any changes to the planning system as a result of the Decentralisation and Localism Bill are known. Consequently, the Scheme of Delegation on Planning – Part 3C and the Planning Code of Good Practice for Members of Wiltshire Council – Protocol 4 remain unchanged in the meantime.**
- (f) To designate the current Scrutiny Manager post as Wiltshire Council's Scrutiny Officer to be responsible for the statutory functions as defined in Section 31 of the Local Democracy, Economic Development and Construction Act 2009 (Appendix 3 refers).**
- (g) To authorise the Monitoring Officer to make such amendments as are necessary to give effect to decisions of Cabinet, Council or its committees and to ensure that the constitution is clearly presented and legally fit for the purpose of the Council.**
- (h) To thank the Focus Group, its Chairman Mrs Isabel McCord and other members of the Council who contributed to the review for all their valuable work in undertaking the detailed work required to carry out the review.**
- (i) To agree that the Focus Group remains in being to assist with**
 - the ongoing review work on the constitution as and when required;**
 - producing user friendly summaries of the relevant parts of the constitution for use by members of the public and members of the Council and**

- **specifically to review the constitution in light of any changes in the legislation including the proposed Decentralisation and Localism legislation**

and to amend its terms of reference to reflect the above.

88. **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.35 pm)

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