

Wiltshire Council

Standards Committee

23 January 2019

Recommendations of the Constitution Focus Group

Purpose of Report

1. This report asks the Standards Committee to consider recommendations of the Constitution Focus Group on the following matters:
 - a) Part 4: Council Rules of Procedure – Substitution Arrangements
 - b) Protocol 1: Councillor-Officer Relations – Part II Information Access

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 the committee in carrying out this function.
3. The Focus Group met on 9 January 2019 to review sections of the constitution as detailed in paragraph 1 and made a series of recommendations.

Main Considerations

4. The minutes of the Focus Group meeting listed in paragraph 3 can be found at **Appendix 1**.

Summary of proposed changes

(a) Part 4: Council Rules of Procedure

5. Part 4 of the Constitution sets out detailed rules of procedure for the council, with sections applying on to Full Council, Cabinet or other committees as appropriate. These include rules on submission of questions, consideration of motions and amendments, recording of minutes and more.
6. At its meeting on 16 October 2018 Full Council adopted a series of changes to Part 4 as recommended by the Standards Committee on 26 September 2018.
7. At that meeting it was noted that further revisions relating to the sections on the arrangement of and appointment of substitute members of committees would be forthcoming.
8. Proposed amendments to the relevant section are therefore attached at **Appendix 2**. Also attached at **Appendix 3** is a proposed guidance note for members which would not form part of the constitution, but would clarify the operation of the sections relating to substitution of members.

9. The changes clarify that a member of a committee is responsible for informing the proper officer for that committee of their absence and for arranging a substitute, that this must be done in writing, and provides for exceptions in cases of urgency.
10. The proposals have also been circulated to Group Leaders for any comments, which will be reported to the meeting.

Recommendation

11. **To recommend that Council approve the revised sections of Part 4 of the Constitution, as shown in the attached document at Appendix 2.**

(b) Protocol 1: Member-Officer Relations

12. Protocol 1 sets out expectations on Member and Officer relations. Following multiple meetings, the Focus Group recommended revisions to the protocol which were approved at Full Council on 16 October 2018, following recommendation by the Standards Committee on 26 September 2018.
13. Paragraphs 11.8 and 11.9 of the revised protocol relate to members' access to confidential and exempt information (Part II information). The Focus Group had requested that an appendix to the protocol be drafted to supplement these paragraphs, setting out practical, clear examples of which members would have access under which circumstances and how members should request information they believed they were entitled to access.
14. The draft proposed appendix to Protocol 1 is therefore attached at **Appendix 4**.

Recommendation:

15. **To recommend that Council approve the proposed Appendix 1 to Protocol 1 of the Constitution, as shown in the attached document at Appendix 4 of this report.**

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk assessment

18. There are no significant risks arising from this report

Financial Implications

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

Legal Implications

20. The recommendations in this report are consistent with the relevant legislation, and there are no legal implications arising from this report

Public Health Impact of the Proposals

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

Environmental Impact of the Proposals

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

Proposal

23. **To recommend that Council approve the changes to the Constitution as set out in paragraphs 11 and 15 of this report.**

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Unpublished reports relied upon in the preparation of this report: None

Appendices

- Appendix 1 - Minutes of the Constitution Focus Group - 9 January 2019
Appendix 2 - Revised Part 4 (Substitution Arrangements)
Appendix 3 - Guidance on substitution arrangements
Appendix 4 - Revised Appendix 1 to Protocol 1