

CONSTITUTION FOCUS GROUP

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 11 JUNE 2015 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Stuart Wheeler (Chairman), Cllr Jon Hubbard, Cllr Julian Johnson and Cllr Jeff Osborn

18 Apologies

Apologies were received from Mr Paul Neale, Miss Pam Turner and Cllrs Ernie Clark and Helen Osborne.

19 Minutes of the Previous Meeting

Resolved:

To approve and sign as a correct record the minutes of the meeting on 1 April 2015.

20 Review of Part 4: Council Rules of Procedure - Councillors' Questions

Following debate at the previous meeting on 1 April 2015, the Focus Group considered a discussion paper on the procedures of other local authorities regarding councillors' questions, and potential changes that could be applied to Wiltshire Council if appropriate.

The Focus Group considered whether, as with many other local authorities, there should be a limit on the amount of council time allotted for council questions, or the number of questions that could be received at any one meeting. While the Focus Group had no wish to limit the ability of Members to submit questions, during debate it was determined an upper limit on questions to be presented at any one meeting would be appropriate, rather than a time limit, with any other questions received to be listed at a meeting and given written responses shortly after that meeting.

The Focus Group also discussed the timescales for submission of questions and the best way to encourage members to submit questions early to enable proper responses to be drafted. It was determined that the guarantee of written responses to questions would encourage earlier submission of questions, and

to that end it was agreed that two deadlines would be the most appropriate solution, one for a guaranteed written response, and a second deadline where verbal responses could be given.

A further procedural change agreed was that questions presented at a meeting should be in order of receipt by members, but that no member should be able to ask a second question until all other members who had submitted a question had been able to ask their first questions, with the same principle applying to third and subsequent questions. As such, as many members as possible would be directly engaged at the meeting if they asked a question.

It was not felt that restrictions on similar questions being submitted within a certain timeframe was appropriate, due to the potential difficulties and disagreements about how similar questions were or how similar the responses would need to be.

It was also considered that due to the personal responsibility and focus arising from the Executive model of local government as existed in Wiltshire, it was not appropriate to reject questions which had received officer responses on operational or performance issues, as the particular view of the relevant Cabinet Member might be necessary to be sought in addition to any officer view.

Resolved:

That further to Group Leaders being informed of the proposals, to recommend to the Standards Committee that Council should approve amendments to Part 4 of the Constitution in relation to Councillors' Questions to encompass the procedure changes detailed above.

21 **Review of Protocol 2: Councillor-Officer Relations (including Briefings and Information for Councillors - previously Protocol 1)**

The Focus Group received a report on the latest amendments to Protocols 1 and 2 of the Constitution, which if approved would be amalgamated.

As requested by the Focus Group at its last meetings it was reported that the Corporate Leadership Team (CLT) had considered the changes and accepted the proposed timescales for responses to Member and public queries as reasonable and deliverable, and would be treated as maximum deadlines even as much faster responses would be aimed for.

CLT had further commented that work would be undertaken with Associate Directors to make all officers aware of their obligations to inform Members of issues within their Divisions, while emphasising that Members would also need to remain aware where confidential information was provided to local Members this would need to remain in confidence.

Subject to some further minor amendments regarding out of date wording and the right of political groups to request briefings from officers, it was,

Resolved:

To recommend to the Standards Committee that Council approve the changes to Protocols 1 and 2 of the Constitution as detailed.

22 **Review of Protocol 7: Media Protocol - Social Media Guidance for Councillors**

The Focus Group received the latest draft of the 'Social Media Guidance for Councillors' following their comments at the last meeting, and were satisfied it addressed all the issues raised.

Resolved:

To recommend the Standards Committee adopt the 'Social Media Guidance for Councillors' and publish it alongside Protocol 7 of the Constitution, the Media Protocol, for the assistance of Members.

23 **Changes to Statutory Dismissal Procedures for Heads of Paid Service, Monitoring Officers and s.151 Finance Officers.**

The Monitoring Officer advised the Focus Group of the publication of the *Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015* which had come into force in May 2015 and which required contractual and constitutional changes in relation to dismissal procedures for Heads of Paid Service, Monitoring Officers and s.151 Finance Officers.

The regulations required appropriate changes be made and reported to the next ordinary meeting of Council, and the Local Government Association (LGA) in discussion with the Department of Communities and Local Government (DCLG) would advise further on the exact nature of the changes required.

Resolved:

To note that changes to the Constitution as required by the Regulation above would be reported to Council on 14 July 2015.

24 **Changes Undertaken by the Monitoring Officer**

The Monitoring Officer detailed some changes that had or would need to be made to the Constitution, which would be made under his delegated authority as provided under Article 15.3 of Part 2 of the Constitution in order to reflect '*...the decisions of Full Council, changes in the law, to correct errors or clarify ambiguities, where to do so does not alter (but gives further effect to) the executive arrangements or the principles enshrined in the constitution*'.

The Focus Group were advised of the need for changes in relation to Part 2.1 - Committee Structure, Part 14 - Members Allowances, Part 3 and a new

Protocol in relation to Local Pension Boards and Part 7 - Cabinet Procedure Rules.

Resolved:

To note the intention of the Monitoring Officer to make changes to the Constitution under Article 15.3 of Part 2 as detailed above.

25 **Forward Plan and Date of Next Meeting**

Resolved:

To confirm the draft Forward Plan and confirm the next scheduled meeting as 2 September 2015.

26 **Urgent Items**

There were no urgent items.

(Duration of meeting: 4.00 - 5.10 pm)

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

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