Appendix B

Extract of minutes of the Implementation Executive – 28 January 2009

189. Draft Constitution for Wiltshire Council

The Implementation Executive considered the report of the Head of Legal & Democratic Services which presented the draft constitution for Wiltshire Council and which requested the Implementation Executive to recommend its adoption by Council on 24 February 2009.

Mr Wheeler (Kennet District Council), a member of the Focus Group on the Constitution, referred to the work of the Focus Group, its recommendations as detailed in the report and explained that further work and refinement would continue between now and adoption of the constitution by Wiltshire Council in June 2009. In this connection, it was noted that members of the Focus Group were willing to continue with the Group's work to further develop the constitution.

The Leader referred to comments received from members on the consultation draft and these related to chairmanship of Overview & Scrutiny committees, public participation at planning committees and the appointment of four deputy chairmen of the Council.

In relation to the chairmanship of Overview & Scrutiny committees, the Leader suggested that the new Council should continue the practice which currently exists of allowing each Scrutiny committee to elect its own chairman. IE members expressed the general view that the Chairman should not be a member of the administration.

With regard to public participation at planning committees, the Leader suggested that members of the public should be able to register to speak at meetings on the day of the meeting. It was also suggested that further work should be undertaken and a consistent protocol on procedures for area planning committees be developed which could not be changed by individual area committees.

The Leader reported that after the agenda had been published, a further member's comment had been received which suggested appointing four deputy Chairmen of the County Council to attend civic functions on behalf of the Chairman if s/he is unable to attend. The IE did not support this suggestion.

Mr Hewitt, Chairman of the JOSTB Area Board Task Group, raised concerns about prematurely agreeing the dates for Area Board meetings. The Leader responded and suggested that the dates for the first Board meetings should be programmed but subsequent meetings should be a matter for each Area Board to determine although the dates presented should remain in the schedule of meetings as provisional dates.

Resolved

a) To recommend to County Council to adopt the revised constitution on the basis that Wiltshire Council would review the effectiveness of the constitution in the light of experience after six months of operation.

b) In response to members' comments on the draft constitution:

i. **To agree that Overview & Scrutiny committees would continue to elect their own chairmen.**

ii. **To request that further work be undertaken to develop a County-wide protocol for the operation of planning committees, which would also determine public participation at meetings, and that members of the public should be able to register to speak at meetings on the day of the meeting.**

c) To prepare a concise, user friendly handbook on the constitution for members and members of the public for use in the new Council.

d) To develop a protocol on member-officer relations in line with best practice for approval by the Implementation Executive for use in the new Council.

e) To authorise the Monitoring Officer to make such amendments as are necessary to give effect to decisions of the Implementation Executive, Council or its committees and to ensure that the constitution is clearly presented and legally fit for the purpose in the new Council.
f) To request the Focus Group on the Constitution with its current membership to continue to assist with any further developments of the Constitution until June 2009 and that the new Council be recommended to establish a similar group to assist with the ongoing review of the constitution.

g) To note the indicative schedule of meetings as detailed in Appendix 4 to the report and that future meeting dates for Area Boards, after the initial scheduled meeting, were provisional.

Reason for Proposal

To consider the draft revised constitution for Wiltshire Council with a view to making recommendations for its adoption by County Council on 24 February 2009.