

# AGENDA

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**Meeting:** Standards Committee  
**Place:** Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 24 June 2015  
**Time:** 2.00 pm

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Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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## Membership:

Cllr Julian Johnson (Chairman)	Cllr Terry Chivers
Cllr Jerry Wickham (Vice Chairman)	Cllr Howard Greenman
Cllr Desna Allen	Cllr Paul Oatway QPM
Cllr Allison Bucknell	Cllr Sheila Parker
Cllr Rosemary Brown	Cllr Horace Prickett
Cllr Trevor Carbin	

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## Substitutes:

Cllr George Jeans	Cllr Glenis Ansell
Cllr Mary Douglas	Cllr John Smale
Cllr Dennis Drewett	Cllr Magnus Macdonald
Cllr Ernie Clark	Cllr Bob Jones MBE
Cllr Pip Ridout	Cllr Ian Thorn

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## Non-Elected Non-Voting Members:

Mr Philip Gill MBE JP  
Mr Paul Neale  
Mr John Scragg  
Miss Pam Turner

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## **Part I**

Items to be considered when the meeting is open to the public

1 **Membership and Apologies**

To note any changes to the membership of the committee following the latest meeting of Full Council.

To note any apologies or substitutions for the meeting.

2 **Minutes** (Pages 5 - 8)

To confirm the minutes of the meeting held on 21 January 2015.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair, including:

- 1) Code of Conduct

5 **Public Participation and Questions**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of the agenda no later than 5pm on *Wednesday 17 June 2015*. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Draft Annual Governance Statement 2014/15** (Pages 9 - 34)

To receive a report from the Monitoring Officer.

7 **Status Report on Complaints** (Pages 35 - 36)

To receive an update on Code of Conduct Complaints.

8 **Constitutional Changes** (Pages 37 - 126)

To receive a report on changes to the Constitution recommended by the Constitution Focus Group.

9 **Forward Plan** (Pages 127 - 128)

To approve the latest Forward Work Plan for the Committee.

10 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

**Part II**

*Item(s) during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed*

None

## **STANDARDS COMMITTEE**

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### **MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 21 JANUARY 2015 AT SALISBURY ROOM - COUNTY HALL, TROWBRIDGE.**

#### **Present:**

Cllr Julian Johnson (Chairman), Cllr John Noeken (Vice Chairman),  
Cllr Trevor Carbin, Cllr Howard Greenman, Cllr Paul Oatway, Cllr Horace Prickett,  
Cllr Terry Chivers, Mr Philip Gill, Mr Paul Neale, Mr John Scragg and  
Cllr Jerry Wickham (Substitute)

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#### **1 Apologies for Absence**

Apologies were received from Councillors Desna Allen, Rosemary Brown, Sheila Parker and Miss Pam Turner.

Councillor Parker was substituted by Councillor Jerry Wickham.

#### **2 Minutes**

The minutes of the meeting held on 8 October 2014 were presented for consideration and it was,

#### **Resolved:**

**To APPROVE and sign as a true and correct record.**

#### **3 Declarations of Interest**

There were no declarations.

#### **4 Chairman's Announcements**

There were no announcements.

#### **5 Public Participation and Questions**

There were no statements or questions submitted.

## 6 **Review of the Effectiveness of the Code of Conduct for Members Update**

The Monitoring Officer presented a report updating the Committee on investigations into the effectiveness of the Code of Conduct Complaints Procedure, as instructed by the Committee at its meeting on 8 October 2014. The Committee was also asked to consider the current arrangements on Gifts and Hospitality, following referral from Council on 21 October 2014 of a motion to reinstate the requirement to register gifts and hospitality over £25.

A summary of all the Code of Conduct complaints received by the Council since the new Code came into effect in July 2012 was presented, with analysis of which complaints may have been referred for investigation under the previous Code. The Committee discussed whether there were any gaps in the Code which were limiting the Council in its duty to promote and maintain high standards of conduct, and how that duty could be strengthened if necessary.

In response to queries on the evidence relied upon, it was acknowledged much was subjective or anecdotal, as in the absence of a single statutory body receiving information on complaints, compiling data was a more difficult task.

The Committee noted that with the limited sanctions permitted under legislation, the most effective means of censure in the event of a breach of a code would be to publicise the decision, and discussed whether it was possible to do so more widely than at present. It was felt that reliance on internal political group sanctions in the event of a breach was ineffective, particularly in Towns and Parishes with no political groupings. The need for additional sanctions was reemphasised, but it was acknowledged that efforts to lobby for further change would be delayed until after the May 2015 General Election.

The benefits of Towns and Parishes having complaints procedures to ensure good governance which could resolve many concerns before they rose to the level of a Code of Conduct complaint was discussed, as well as the impact of the Behaviours Framework attached to the Wiltshire Council Code and need for guidance on social media use.

In relation the referred motion on Gifts and Hospitality, it was stated it would be a simple process to add an option under the Register of Interests to record gifts and hospitality received by Members, though guidance on what constituted a gift or hospitality, and the level of value that would be appropriate to be recorded without being unduly onerous, would need to be clarified.

It was also stated that Town and Parish Councils, many of which currently utilized Wiltshire Council's Code of Conduct, would be informed of the intention to revise the Code.

### **Resolved:**

**That the Monitoring Officer,**

- 1) Draft proposals to strengthen the Code of Conduct**

- 2) **Draft proposals for enabling the recording of gifts and hospitality at an appropriate level**
- 3) **Continue efforts to work with other Authorities to lobby central government to increase the level of sanctions available to councils, as soon as appropriate.**

**7 Complaints under the Council's Complaints Procedures and the Local Government Ombudsman's Annual Review Letter 2014**

The Corporate Complaints Manager presented a report providing an overview of the Council's complaints service, the annual reports on complaints and the Local Government Ombudsman's (LGO) Annual Review Letter 2014.

The Committee discussed the report, noting comparisons in terms of complaints and investigations with other similar unitary authorities, and welcomed the intention to increase focus on complaints toward mediation and other alternate resolutions in place of formal investigative processes, in an attempt to resolve issues more locally, swiftly and less resources. In response to queries it was stated it was intended internal complaints staff would be trained to offer mediation skills to resolve issues.

**Resolved:**

**To note the report.**

**8 Recommendations from the Constitution Focus Group**

A report was presented from the Monitoring Officer on recommendations from the Constitution Focus Group to amend Part 3 of the Constitution.

On 29 July 2014 Council requested the sections of Part in relation to the election of Chairmen of Area Boards and attendance of Cabinet Members at Area Boards be reviewed further. The Constitution Focus Group considered the sections and proposed amendments to clarify and simplify the procedure for regular and unitary election years, with a representative of Democratic Services to preside over the election of Chairmen.

**Resolved:**

**To recommend to Council to adopt the proposed amendments to Part 3 of the Constitution as contained at appendix 1.**

**9 Forward Plan**

The Committee noted the draft Forward Plan, and were informed a revised plan would be circulated after the meeting further to the date of the July meeting

being moved from 8 July, as a result of the movement of Council from 28 to 14 July 2015.

10 **Urgent Items**

There were no urgent items.

11 **Exclusion of Public**

No members of the public being present, no determination was made to exclude.

12 **Standards Review Sub-Committee Minutes**

The minutes of the Standards Review Sub-Committee held on 17 December 2014 were received.

**Resolved:**

**To note the minutes of the Review Sub-Committees.**

(Duration of meeting: 2.00 - 3.30 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115



**Wiltshire Council**

**Standards Committee**

**24 June 2015**

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## **Draft Annual Governance Statement 2014-15**

### **Purpose**

1. To ask the Standards Committee to consider a draft Annual Governance Statement (AGS) for 2014 -15 for preliminary comment before final approval is sought from the Audit Committee at its meeting on 31 July 2015. This report was also presented to the Audit Committee at its 23 June 2015 meeting.

### **Background**

2. The Council is required, as part of its annual review of the effectiveness of its governance arrangements, to produce an AGS for 2014-15. This will be signed by the Leader of the Council and the Corporate Directors after final approval by the Audit Committee on 31 July 2015. The AGS will form part of the Annual Statement of Accounts for 2014-15.
3. Based on advice from the Chartered Institute of Public Finance and Accountancy (CIPFA), the AGS should include:
  - an acknowledgement of responsibility for ensuring there is a sound system of governance, incorporating the system of internal control;
  - an indication of the level of assurance that the systems and processes that comprise the Council's governance arrangements can provide;
  - a brief description of the key elements of the governance framework, including reference to group activities where those activities are significant;
  - a brief description of the process that has been applied in maintaining and reviewing the effectiveness of the governance arrangements;
  - an outline of the actions taken, or proposed, to deal with significant governance issues, including an agreed action plan.

4. The AGS for Wiltshire Council should demonstrate how the Council is meeting the six principles of good governance adopted in its Code of Corporate Governance. These principles are:
  - focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area;
  - councillors and officers working together to achieve a common purpose with clearly defined functions and roles;
  - promoting values for the council and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
  - taking informal and transparent decisions which are subject to effective scrutiny and managing risk;
  - developing the capacity and capability of councillors and officers to be effective;
  - engaging with local people and other stakeholders to ensure robust accountability.
5. The AGS is primarily retrospective. It reports on the assurance framework and measures in place for the financial year 2014-15, but must take account of any significant issues of governance up to the date of publication of the Statement of Accounts in July 2015. The AGS should outline the actions taken or proposed to address any significant governance issues identified.
6. The AGS is drafted by members of the Governance Assurance Group, which comprises senior officers who have lead roles in corporate governance and a member representative from the Audit Committee.
7. The evidence for the AGS comes from a variety of sources, including assurance statements from associate directors, relevant lead officers within the organisation, internal and external auditors and inspection agencies.

#### **Draft AGS - Content**

8. Work on the draft AGS 2014-15 is in progress. A copy of the latest draft is attached at Appendix 1. The draft will be revised in the light of further reviewing of assurance sources by the Governance Assurance Group and any observations of the Audit Committee, Cabinet, Standards Committee and the Council's external auditors, KPMG.
9. The draft reflects the elements described in paragraph 3 of this report and has regard to revised guidance from CIPFA.

10. Section C of the AGS describes the Council's governance framework for the relevant period. The final version will need to reflect the position up to the date of approval and signature in July 2015.
11. Section D provides a review of the effectiveness of the Council's governance framework. This section has been structured to reflect the key governance principles set out in the Council's Code of Corporate Governance.
12. The overall audit opinion of the Council's internal auditors on the effectiveness of the council's control environment for 2014-15 will be advised at the meeting.
13. Assurance statements are being obtained from associate directors. These are being reviewed and any potential significant governance issues arising from these will be included in the final version of the AGS and highlighted at the July meeting.
14. Section E of the draft AGS requires the Council to identify any significant internal control issues affecting the Council during the relevant period.
15. CIPFA guidance suggests that an internal control issue is to be regarded as significant if:
  - the issue has seriously prejudiced or prevented achievement of a principal objective;
  - the issue has resulted in a need to seek additional funding to allow it to be resolved, or has resulted in significant diversion of resources from another aspect of the business;
  - the issue has led to a material impact on the accounts;
  - the audit committee, or equivalent, has advised that it should be considered significant for this purpose;
  - the Head of Internal Audit has reported on it as significant, for this purpose, in the annual opinion on the internal control environment;
  - the issue, or its impact, has attracted significant public interest or has seriously damaged the reputation of the organisation;
  - the issue has resulted in formal action being taken by the Chief Financial Officer and/or the Monitoring Officer.

16. At this stage it is proposed to include three significant governance issues in this section:

- Delivery of the Council's Business Plan 2013-17
- Information Governance
- Safeguarding Children and Young People

Details are set out in paragraph 89 of the draft AGS.

17. Any further potential significant governance issues that are identified will be reported to the Audit Committee when the AGS is brought back for final approval on 31 July 2015.

18. KPMG will be consulted on the draft AGS and their comments will be taken into account in the presentation of the final version to the Audit Committee.

### **Financial implications**

19. There are no financial implications arising directly from the issues covered in this report.

### **Risk Assessment**

20. The production of the AGS is a statutory requirement. Ongoing review of the effectiveness of the Council's governance arrangements is an important part of the Council's risk management strategy.

### **Environmental Impact**

21. There is no environmental impact regarding the proposals in this report.

### **Equality and Diversity Impact**

22. There are no equality and diversity issues arising from this report.

### **Reasons for the Proposal**

23. To prepare the AGS 2014-15 for publication in accordance with the requirements of the Audit and Accounts Regulations.

## Proposal

24. The Standards Committee is, therefore, asked:

- a. to consider the draft AGS as set out in Appendix 1 and to make any amendments or observations on the content.
- b. to note that the draft AGs will be revised in the light of comments from Cabinet, and further work by the Governance Assurance Group before being brought back to the Audit committee for final approval and publication with the Statement of Accounts at the end of July.

Ian Gibbons

Associate Director Legal and Governance and Monitoring Officer

Report Author: Ian Gibbons

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Unpublished documents relied upon in the production of this report.

None

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**DRAFT**

# Annual Governance Statement

2014-15



**Draft 7**

# Contents

Page(s)

## Section A

Scope of Responsibility

## Section B

The Purpose of the Governance Framework

## Section C

The Governance Framework

Purpose and Planning

Policy and Decision-Making Framework

Wiltshire Pension Fund

Regulation of Business

Management of Resources, Performance and Risk

Internal Audit

External Audit and Inspections

Directors' Assurance Statements

Monitoring Officer

## Section D

Review of Effectiveness

Focus on the purpose of the authority and on outcomes for the community, creating and implementing a vision for the local area

Engaging with local people and other stakeholders to ensure robust public accountability

Ensuring that councillors and officers work together to achieve a common purpose with clearly defined functions and roles

Promoting high standards of conduct and behaviour, and establishing and articulating the authority's values to members, staff, the public and other stakeholders

Taking informed, risk based and transparent decisions which are subject to effective scrutiny

Developing the capacity of councillors and officers to be effective in their roles

## Section E

Significant Governance Issues



A. Scope of Responsibility

1. Wiltshire Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
2. In discharging this overall responsibility, the Council is also responsible for putting in place proper arrangements for the governance of its affairs, including the management of risk, and facilitating the effective exercise of its functions.

B. The Purpose of the Governance Framework

3. The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and the activities through which the Council accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
4. The assurance framework and the system of internal control are significant parts of that framework. They are designed to manage risk to a reasonable level. They cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The assurance framework and the system of internal control are based on an ongoing process that is designed to:
  - a. identify and prioritise the risks to the achievement of the Council's policies, aims and objectives;
  - b. evaluate the likelihood of those risks being realised;
  - c. assess the impact of the risks if they are realised;
  - d. manage the risks efficiently, effectively and economically.
5. The assurance framework also provides a mechanism for monitoring and implementing a system of continuous governance improvement.
6. The governance framework has been in place at the Council for the year ended 31 March 2015 and up to the date of approval of the Statement of Accounts for 2014/15.

C. The Governance Framework

7. The Council's governance framework comprises a broad range of strategic and operational controls, which work together to ensure the sound operation of the Council. The key elements are summarised below.
8. Documents referred to are available from the Council or may be viewed on the Council's website ([www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)).

9. The review of the Council's governance arrangements, through the Annual Governance Statement, is in accordance with CIPFA/Solace guidance Delivering Good Governance in Local Government, Delivering Good Governance in Local Government, Addendum 2012.

### **Purpose and Planning**

10. In September 2013 the council adopted a new Business Plan for 2013-17 with the following priorities:
- to protect those who are most vulnerable;
  - to boost the local economy – creating and safeguarding jobs; and,
  - to support and empower communities to do more for themselves.
11. These priorities serve to deliver the council's vision to create stronger and more resilient communities.
12. The Business Plan is supported by a Financial Plan, which demonstrates how it will be funded. The management of the Council's strategic risks helps achieve the Council's objectives.

### **Policy and Decision-Making Framework**

13. The Council's Constitution provides the framework within which the Council operates. It sets out how decisions are made and the procedures which must be followed to ensure that these are efficient, effective, transparent and accountable.
14. The Constitution defines the role and responsibilities of the key bodies in the decision-making process - the Council, Cabinet, and Committees.
15. The Council's Health and Well-being Board is a committee of the council with a strategic leadership role in promoting integrated working between the council and the NHS, and in relation to public health services. It is the key partnership and focal point for strategic decision making about the health and well-being needs of the local community.
16. The Wiltshire Police and Crime Panel reviews and scrutinises decisions of the Police and Crime Commissioner. The Panel is a joint committee with Swindon Borough Council.
17. The Constitution is reviewed on an ongoing basis by the Monitoring Officer and the Standards Committee through its Constitution Focus Group to ensure that it reflects changes in the law and remains fit for purpose.
18. The Leader and Cabinet are responsible for discharging the executive functions of the Council, within the budget and policy framework set by the Council.
19. The Council publishes a Forward Work Plan once a month giving details of all matters anticipated to be considered by the Cabinet over the following 4 months,

including items which constitute a key decision.<sup>1</sup>

20. Schemes of Delegation are in place for Cabinet Committees, Cabinet Members and Officers to facilitate efficient decision-making. The Leader has established three Cabinet Committees - the Cabinet Capital Assets Committee, Cabinet Transformation Committee and the Cabinet Business Relief Committee.
21. The Council has established 18 area committees known as Area Boards. Each area board exercises local decision making under powers delegated by the Leader.
22. The Council's overview and scrutiny arrangements consist of an overview and scrutiny management committee supported by 3 select committees:
  - Health (including the NHS, public health and adult social care)
  - Environment (including highways, waste and transportation)
  - Children (including education, vulnerable children, youth services and early years)
23. The management committee co-ordinates the work of the select committees and also covers internal services such as finance, performance, staffing and business planning. Most overview and scrutiny work is done by small groups of elected members who meet to review single issues in detail. Interested parties are often invited to contribute to this work. The group then produces a report presenting their findings and recommendations to the cabinet and others as necessary on how the issue or service could be improved.
24. More rapid scrutiny exercises provide the opportunity to be able to react more readily to issues as they emerge.
25. Scrutiny member representatives can also be appointed to boards of major projects to provide challenge. Partners and contractors also contribute to the scrutiny process.
26. These arrangements serve to hold the Cabinet, its Committees, individual Cabinet Members and officers to public account for their executive policies, decisions and actions and serves to make sure that decisions are taken based on sound evidence and are in the best interests of the people of Wiltshire.
27. The Standards Committee is responsible for:
  - promoting and maintaining high standards of conduct by Members and Officers across the Council;
  - determination of complaints under the Members' Code of Conduct;
  - oversight of the Constitution, overview of corporate complaints handling and Ombudsman investigations, and the whistle blowing policy;

<sup>1</sup> 'Key decisions' are defined in Paragraph 9 of Part 1 of the Constitution. They include any decision that would result in the closure of an amenity or total withdrawal of a service; any restriction of service greater than 5%; any action incurring expenditure or producing savings greater than 20% of a budget service area; any decision involving expenditure of £500,000 or more, (subject to certain exceptions), any proposal to change the policy framework; any proposal that would have a significant effect on communities in an area comprising two or more electoral divisions.

28. The Council has adopted a Code of Conduct for members and established arrangements for dealing with complaints under the code for Wiltshire unitary and parish councillors, including the appointment of 3 independent persons in accordance with the statutory requirements.
29. The Council has in place arrangements for considering complaints made about the conduct of the Police and Crime Commissioner for Wiltshire.
30. The Audit Committee is responsible for:
  - monitoring and reviewing the Council's arrangements for corporate governance, risk management and internal control;
  - reviewing the Council's financial management arrangements and approving the annual Statement of Accounts;
  - focusing audit resources
  - monitoring the effectiveness of the internal and external audit functions;
  - monitoring the implementation of agreed management actions arising from audit reports.

### **Wiltshire Pension Fund**

31. The Wiltshire Pension Fund is overseen by the Wiltshire Pension Fund Committee. This Committee has its delegated power from the full Council, rather than the Executive (Cabinet), so as to avoid any conflict of interest (e.g. in relation to the setting of employer contributions).
32. This Committee is responsible for all aspects of the fund, including:
  - the maintenance of the fund;
  - preparation and maintenance of policy, including funding and investment policy;
  - management and investment of the fund;
  - appointment and review of investment managers;
  - monitoring of the audit process.
33. The Wiltshire Pension Fund Committee exercises its responsibilities in relation to investment management when it sets investment policy and appoints/monitors external investment managers.
34. The Council has established a Local Pension Board in accordance with new statutory requirements. The purpose of the Board is to assist the Council as the administering authority in its role as scheme manager for the Local Government Pension Scheme and to ensure the effective and efficient governance and administration of the Scheme.
35. A new governance and assurance framework has been developed to underpin the delivery of the Wiltshire and Swindon Economic Plan (SEP) by the Swindon and Wiltshire Local Enterprise Partnership (SWLEP). This includes an executive Strategic Joint Economic Committee with Swindon Borough Council to provide local democratic accountability for the delivery of the SEP.

## Regulation of Business

36. The Constitution contains detailed rules and procedures which regulate the conduct of the Council's business. These include:
- Council Rules of Procedure
  - Budget and Policy Framework Procedure
  - Financial Regulations and Procedure Rules
  - Procurement and Contract Rules
  - Members' Code of Conduct
  - Officers' Code of Conduct
  - Corporate Complaints Procedure
37. The statutory officers - the Head of Paid Service (see note <sup>2</sup> below), the Solicitor to the Council/Monitoring Officer and the Chief Finance Officer have a key role in monitoring and ensuring compliance with the Council's regulatory framework and the law. The statutory officers are supported in this role by the Council's HR, legal, governance and democratic services, finance and procurement teams, and also by the internal audit service.
38. Internal Audit services in Wiltshire are provided through a partnership with South West Audit Partnership.
39. The following bodies have an important role in ensuring compliance:
- Audit Committee
  - Overview and scrutiny management and select committees and task groups
  - Standards Committee
  - Internal Audit
  - External Audit and Inspection Agencies.
40. The Council's Governance Assurance Group comprises senior officers with lead responsibility for key areas of governance and assurance, together with an elected member who is a member of the Audit Committee. Other officers and members attend by invitation to provide the Group with information about issues on which it is seeking assurance. Officers can also bring any concerns about the Council's governance arrangements forward to the Group for consideration.
41. The Governance Assurance Group meets monthly and has a forward work plan. It is responsible for gathering evidence for and drafting the Annual Governance Statement. It identifies any potential significant governance issues throughout the year, and seeks assurance on the effectiveness of measures to address these. It has a key role in promoting and supporting sound governance across the organisation and reports as required to the Corporate Leadership Team. <sup>2</sup>

<sup>2</sup>. The Corporate Leadership Team comprises the three Corporate Directors, supported by the Chief Finance Officer / Section 151 Officer, Solicitor to the Council / Monitoring Officer, Associate Director People and Business Services, the Associate Director of Communities and Communications and the Associate Director Corporate Function, Procurement and Programme Office. The statutory role of Head of Paid Service is rotated between the three corporate directors every four months.

## **Management of Resources, Performance and Risk**

### ***Financial Management***

42. Financial management and reporting is facilitated by:

- Regular reports to Cabinet on the Council's Revenue Budget and Capital Programme;
- Regular review by the Corporate Leadership Team;
- Regular consideration of these reports by the Financial Planning Task Group;
- Budget monitoring by Service Managers;
- Compliance with the Council's Budgetary and Policy Framework, Financial Regulations and Financial Procedure Rules;
- Compliance with external requirements, standards and guidance;
- Publication of Statement of Accounts;
- Overseeing role of the Audit Committee.

43. The Council's financial management arrangements are consistent with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government, issued in 2010.

### ***Performance and Risk Management Reporting***

44. At the heart of the Business Plan 2013 – 2017 is the vision to *create stronger and more resilient communities*. It sets out how we plan to achieve this and outlines our key priorities:

- Protect those who are most vulnerable;
- Boost the local economy – creating and safeguarding jobs;
- Support and empower communities to do more for themselves.

45. Measuring success is about how we will know we are performing well and moving in the right direction to achieve our vision and priorities.

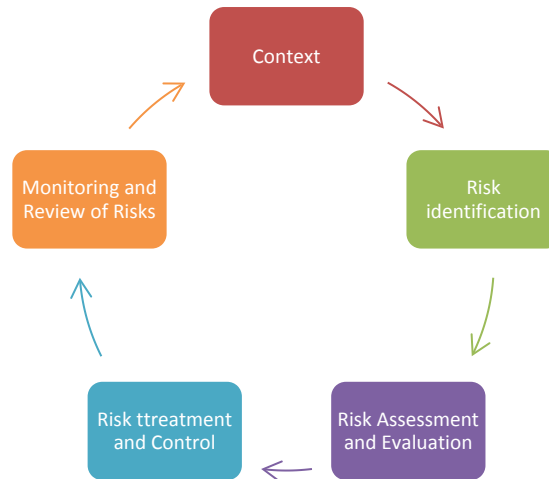
46. Measures and activities captured as part of the strategic performance framework demonstrate progress against the objectives set out in the Business Plan. These are monitored by the Corporate Leadership Team on a quarterly basis.

47. This reporting framework is underpinned by the *Strategic Performance and Risk Management Board* which takes the strategic lead on the development and management of the corporate planning cycle, including the organisation's approach to business planning and the monitoring of performance against the objectives outlined in the Business Plan.

48. The Board is supported by the *Operational Performance and Risk Management Group*, which provides the operational perspective in the refining of the performance and risk frameworks and acts as the conduit for embedding the

council's approach to performance and risk within service areas.

49. Risk management is a central component of the council's governance framework. Whilst risks are identified and monitored at service level, the Strategic Performance and Risk Management Board takes the strategic lead on the development and management of the council's Risk Management Strategy and ongoing monitoring of key strategic risks. The Board receives quarterly updates on the strategic risk register.
50. The diagram below demonstrates the cycle of managing risk.



51. The risks associated with major projects are managed through project management arrangements with regular reporting to the relevant boards and member bodies.
52. The Council's Business Continuity Policy provides a framework to maintain and develop business continuity arrangements at both corporate and service levels. It sets out the responsibilities of different management levels and groups as part of this process.

## Internal Audit

53. The main role of Internal Audit is to provide an independent and objective opinion on the Council's control environment.
54. Internal Audit has the following additional responsibilities:
- providing support to the Chief Finance Officer in meeting his responsibilities under Section 151 of the Local Government Act 1972, to make arrangements for the proper administration of the Council's financial affairs;
  - investigating any allegations of fraud, corruption or impropriety;
  - advising on the internal control implications of proposed new systems and procedures.

55. The annual Internal Audit Plan is based on an assessment of risk areas, using the most up to date sources of risk information, in particular the Council's Corporate and Service Risk Registers. However the approach for 2015-16 will involve a more comprehensive combined assurance review to identify the most appropriate focus for Internal Audit Work. The Plan is agreed with Corporate Directors, and presented to the Audit Committee for approval. The Committee receives reports of progress against the plan throughout the year. The Internal Audit Annual Report summarises the results and conclusions of the audit work throughout the year, and provides an audit opinion on the internal control environment for the Council as a whole.

### **External Audit and Inspections**

56. The Council is subject to audit by its external auditors, KPMG LLP, specifically in relation to the Council's financial statements and the arrangements to secure value for money (VFM) in the use of resources. It is also subject to reviews by external inspection agencies, OFSTED, and the Care Quality Commission (CQC). The outcomes of external audit work and inspections are used to help strengthen and improve the Council's internal control environment and help secure continuous improvement.

### **Associate Directors' Assurance Statements**

57. Associate directors' are required to complete assurance statements. Any significant governance issues identified will be included in Section E.

### **Monitoring Officer**

58. The Monitoring Officer has not made any adverse findings in the course of the exercise of his statutory responsibilities.

### **D. Review of Effectiveness**

59. The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework, including the system of internal control. The review of effectiveness is informed by the work of the executive managers within the Council who have responsibility for the development and maintenance of the governance environment, the Council's internal audit function, and also by reports of external auditors and other review agencies and inspectorates.
60. The key principles of corporate governance are set out in the Council's Code of Corporate Governance as follows:
- Focusing on the purpose of the Council and on outcomes for



the community, creating and implementing a vision for the local area;

- Engaging with local people and other stakeholders to ensure robust public accountability;
- Ensuring that members and officers work together to achieve a common purpose with clearly defined functions and roles;
- Promoting high standards of conduct and behaviour, and establishing and articulating the Council's values to members, staff, the public and other stakeholders;
- Taking informed, risk based and transparent decisions which are subject to effective scrutiny; and
- Developing the capacity of members and officers to be effective in their roles.

61. The effectiveness of the Council's assurance framework and system of internal control is assessed against these six principles.

**Focus on the purpose of the Council and on outcomes for the community, creating and implementing a vision for the local area**

62. The Council's vision and priorities are set out in its Business Plan 2013-2017. This is consistent with the long term priorities that are set out in the Community Plan 2011-2026.

**Engaging with local people and other stakeholders to ensure robust public accountability**

63. The development of Wiltshire's area boards has played a key role in ensuring robust public accountability and democratic engagement in Wiltshire. The devolved governance arrangements are set out in the Council's Constitution. In 2014 a comprehensive review of the Area Boards was undertaken to more closely align governance arrangements with the aspirations set out in the Council's Business Plan. The conclusions and recommendations arising from the review were adopted by the Council on 22 April 2014 (Cabinet minute no. 47).

64. The Council monitors the performance of the area boards in a number of ways:

- Public reporting on all issues and grant applications referred to the boards through online systems (including a new grants evaluation process in 2014);

- Periodic scrutiny reviews and audit of financial arrangements;
- Feedback received following events;
- An annual satisfaction survey of people attending area board meetings;
- The Area Boards self evaluation process; and
- Ongoing lean systems reviews.

65. The Council seeks to align the resources delegated to area boards with the needs of local communities and to assess the impact of its devolved governance arrangements through the Joint Strategic Assessment process. This involves the prioritisation of issues by the local community, action and resource allocation by the area boards and the use of the boards' collaborative influence to initiate community-led action in the area. In 2014, revised arrangements were put in place to capture and monitor the effectiveness of this process, through improved reporting to the Health and Wellbeing Board.

66. In October 2014 Wiltshire's Health and Wellbeing Board invited a peer challenge team to review Wiltshire's arrangements for improving the health and well being of its residents. Overall feedback was very positive. The team were very impressed with the passion and commitment of everyone involved in health and wellbeing in Wiltshire and thought we are doing all the right things and we are doing them well. A copy of the peer challenge report may be found on: [*insert link*].

67. The Health and Wellbeing Board has developed an action plan to ensure that the recommendations from the peer challenge are implemented.

**Ensuring that councillors and officers work together to achieve a common purpose with clearly defined functions and roles**

68. The Constitution sets out clearly the roles and responsibilities of Councillors and Officers in the decision making process.

69. The Council has adopted a Councillor and Officer Relations Protocol which:

- outlines the essential elements of the relationship between councillors and officers;
- promotes the highest standards of conduct;
- clarifies roles and responsibilities;
- ensures consistency with the law, codes of conduct and the Council's values and practices; and
- identifies ways of dealing with concerns by councillors or officers.

**Promoting high standards of conduct and behaviour, and establishing and articulating the authority's values to members, staff, the public and other stakeholders**

70. All staff are required to meet high standards of ethical conduct under the Officers' Code of Conduct.

71. The Council has a code of conduct for officers which is underpinned by a behaviours framework. This framework clearly articulates the behaviours expected of council officers, and is explicitly referred to in recruitment and performance appraisal processes.
72. The Standards Committee is reviewing the Code of Conduct for Councillors to ensure that it is effective in promoting high standards of conduct. Any recommended changes will be reported to Council later this year.
73. The Council's Governance Team is responsible for overseeing compliance with access to information legislation, operation of the agreed arrangements under the standards regime, and the promotion of good governance within the Council and with key partners, including the town and parish councils of Wiltshire. This helps to ensure that robust governance arrangements are supported across the Council.

### **Internal Audit**

74. Internal Audit represents an important element of the Council's internal control environment, and to be effective it must work in accordance with the Code of Practice for Internal Audit in Local Government, which lays down the mandatory professional standards for the internal audit of local authorities.
75. The Internal Audit Annual Report and Opinion 2014 -15 summarises the results and conclusions of the audit work throughout the year, and provides an independent audit opinion on the internal control environment for the Council as a whole. The Council's internal auditors, SWAP, have given an overall audit opinion of [ ] assurance on the adequacy and effective operation of the Council's control environment for 2014-15. **[ To be completed when final report is available]**

### **External Audit**

76. KPMG LLP's report to those charged with governance for 2014/2015 will be tabled at the meeting of the Audit Committee on 29 July 2015. This will summarises the key issues arising from the work at Wiltshire Council in relation to the 2014/15 financial statements and the work to support the 2014/15 value for money conclusions.

### **Taking informed, risk based and transparent decisions which are subject to effective scrutiny**

77. Cabinet Members and Officers exercising delegated powers are required to take decisions in accordance with their respective schemes of delegation. The Leader's protocol for decision-making by Cabinet Members ensures transparency by requiring publication of the intention to make a decision on 5

clear days' notice and the final decision.

78. The Partnership Protocol and Register captures the Council's partnership arrangements. As of May 2015 the number of partnerships in operation is 42. During 15/16 a review of the protocol will be conducted. Once completed all arrangements will be reviewed with service areas to check all are aware of the requirements of the revised protocol and all partnerships are captured.
79. Cabinet members, scrutiny members and senior management across the council work closely to develop a single work programme of overview and scrutiny aligned to the Business Plan outcomes.
80. In responding to the recommendations made through the corporate peer challenge from 2013, the council invited the LGA to undertake a peer review of its overview and scrutiny arrangements in March 2015.
81. The reviewers recognised that overview and scrutiny in Wiltshire is evolving well and that the new approach is successfully bedding in. Some of the reviewers' key recommendations in moving forward included:
  - Continuing to develop formal and informal relationships between cabinet and scrutiny members;
  - Continuing to develop pre-budget scrutiny and the encouragement of wider member involvement through the select committees;
  - Developing scrutiny communications to clearly articulate the role of overview and scrutiny and demonstrate its achievements and impact;
  - Continuing to develop the capacity of members in this area.
82. The outcome of the review has provided the council with a helpful external perspective and feedback on our approach to overview and scrutiny in Wiltshire, and our ambitions for taking it forward in the future.
83. The work undertaken by the Audit Committee this year has included:
  - review and approval of the Annual Governance Statement for 2013-14;
  - review and approval of the Statement of Accounts for 2013-14;
  - review of the work and findings of Internal Audit, including the Annual Report and audit opinion on the control environment;
  - review of the Council's risk management arrangements;
  - review of the work and findings of external audit, including the Annual Audit Letter and Report to Those Charged with Governance.
84. Public Health has continued to actively increase and embed Emergency Planning Resilience and Response arrangements for the county. As an essential part of Public Health, the new team has continued to strengthen resilience both within the organisation and throughout the community. Extensive training has

been delivered at all levels, and new simpler, more practical plans have been introduced. Substantial improvements have been made to the Council incident room, with improved IT and an innovative mobile application which allows instant reporting and photographs taken at an incident scene to be uploaded directly to the incident room system via mobile tablet devices. Community resilience workshops have been initiated across the 18 community areas, with 6 delivered this year (covering approximately 50 town and parish communities). These multi-agency workshops are delivered by representatives from the council's emergency planning, Public Health, drainage and highways teams, together with the emergency services. A full programme of work has been planned for 2015/16 which will concentrate on further strengthening resilience and preparedness based on the risks that face the county.

### **Developing the capacity of councillors and officers to be effective in their roles**

85. The Council is committed to the ongoing development of its Councillors and recognises the importance of building up their capacity and effectiveness.

86. The Council's Councillor Development Policy:

- Establishes Councillors' individual training needs and protocols and allocates budget according to the Council's priorities;
- Ensures equality of access to funds and training events;
- Evaluates the effectiveness of councillor development annually to inform the prioritisation and allocation of funding for future years.

87. The "People Strategy" is in place to support delivery of the business plan and the identified priorities. An action plan that outlines the activities needed to deliver the aims of the People Strategy is reviewed regularly and updated annually to ensure the actions are aligned with the priorities in the business plan. The People Strategy outlines priority areas for action which are critical to the delivery of this plan, ensuring that the Council has the workforce capacity it needs to work in different ways and successfully meet current and future challenges.

### **E) Significant Governance Issues**

88. An internal control issue is regarded as significant if:

- the issue has seriously prejudiced or prevented achievement of a principal objective;
- the issue has resulted in a need to seek additional funding to allow it to be resolved, or has resulted in significant diversion of resources

from another aspect of the business;

- the issue has led to a material impact on the accounts;
- the audit committee, or equivalent, has advised that it should be considered significant for this purpose;
- the Head of Internal Audit has reported on it as significant, for this purpose, in the annual opinion on the internal control environment;
- the issue, or its impact, has attracted significant public interest or has seriously damaged the reputation of the organisation;
- the issue has resulted in formal action being taken by the Chief Financial Officer and/or the Monitoring Officer.

89. The following have been identified as significant governance issues:

### **Delivery of the Council's Business Plan 2013-17**

Delivering the Business Plan remains a significant challenge given an increasing demand for key services, such as care for vulnerable children and adults, and highways maintenance, as well as rising inflation costs, and less money from central Government. In order to achieve this the Council will continue to embrace change and adopt a transformational and innovative approach, aligning resources to priorities and challenging if or how services are provided. This will be underpinned by effective performance, financial and workforce information and sound risk management. The Council updates its financial plan annually to reflect current pressures and demands and this targets priorities in the Business Plan.

### **Information Governance**

In March 2015 the Information Commissioner's Office (ICO) carried out a voluntary audit of the Council's information governance arrangements. The audit focused on the following areas:

Records management – the processes in place for managing both manual and electronic records containing personal data.

Subject access requests – the procedures in operation for recognising and responding to individuals' requests for access to their personal data.

Data sharing – the design and operation of controls to ensure the sharing of personal data complies with data protection legislation and good practice.

The overall conclusion was that there is a limited level of assurance that processes and procedures are in place and delivering data protection compliance and that there is considerable scope for improvement in existing arrangements to reduce the

risk of non- compliance with the Data Protection Act.

A detailed action plan is being developed to ensure that the ICO's recommendations are prioritised and implemented within the next 12 months.

### **Safeguarding Children and Young People**

The Improvement Notice was lifted from Wiltshire Council in April 2014 after an OFSTED inspection the previous year. Consequently the inter-agency Improvement Board ended after a positive Local Government Association (LGA) review of the Wiltshire Safeguarding Children Board (WSCB), which had tested the governance arrangements for safeguarding by the council and its partners.

The Improvement Board has been replaced by a Wiltshire Council Improvement Board which is chaired by a Corporate Director in her statutory role of Director of Children's Services (DCS). This Board is serviced by four Improvement Groups chaired by senior managers. Each Group has responsibility for an Improvement Plan and ensuring that there is progression towards the OFSTED criteria of Good and Outstanding. The Cabinet Member for Children and portfolio holders are members of the Improvement Board and the chair of Children's Scrutiny is an invited member of the Board. Six weekly reports are provided to Cabinet Liaison by the Cabinet Member for Children.

Oversight and scrutiny is provided by the Children's Select Scrutiny Committee, the Safeguarding Children's Task Group and the Corporate Parenting Panel. The Multi-Agency Safeguarding Hub Governance Board meets every six months with a monthly operational board undertaking service delivery improvements.

LGA and peer reviews have taken place in respect of the WCSB, the Council and Partners' response to Neglect and the Looked After Children. These have concluded that the Council is fulfilling its statutory duties effectively.

The Council will continue to have a relentless focus on safeguarding improvement, and in order to monitor progress safeguarding remains a significant governance issue this year.

Jane Scott

Leader of the Council

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Corporate Directors

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Dated

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**Code of Conduct Complaints - Status Report**  
**Complaints received and progressed under new arrangements**

	Cases received	Cases open (cumulative)	Assessed investigation	Assessed no further action	Assessed alternative resolution/complaint withdrawn	Pending assessment	Cases closed
<b>2012</b>							
May - December	25	11	1	24	0	0	14
<b>2013</b>							
January – December	24	11	0	16	7	1	24
<b>2014</b>							
January – December	79	17	1	62	16	0	73
<b>2015</b>							
January	1	10	1	0	0	0	8
February	9	15	0	7	2 *	0	4
March	3	16	0	1	1**	1	2
April	2	16	0	2	0	0	2
May	5	21	0	0	0	5	0
<b>Totals for 2015 to date</b>	<b>20</b>	<b>N/A</b>	<b>1</b>	<b>10</b>	<b>3</b>	<b>6</b>	<b>16</b>

Appeals received
4 (not upheld)
5 (not upheld)
16 (14 not upheld & 2 upheld)
2 (not upheld)
2 (not upheld)
0
0
0
4

\*possible referral to Police  
 \*\* not Code of Conduct

### Complaints referred for investigation since 1 January 2014

Case reference	Date of Assessment	Progress
WC 13/14	29/04/2014	Finding of no breach - MO's endorsement of finding sent to all parties, review request pending
WC 24/14	30/05/2014	Finding of no breach - MO's endorsement of finding sent to all parties, review request pending
WC-ENQ00081	19/02/2015	MO reviewing investigation report & comments from parties

## Wiltshire Council

### Standards Committee

24 June 2015

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## 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 - in relation to public disturbance, recorded votes, State of Wiltshire debate, and councillors' questions (Appendix 3)
  - b) Protocols 1-2: Briefing and Information for Local Councillors and Councillor-Officer Relations (Appendix 4)
  - c) Protocol 7: Media Protocol and associated Social Media Guidance for Councillors (Appendix 5)
  - d) Protocol 9: Monitoring Officer (Appendix 6)
  - e) Protocol 11: Governance Reporting Arrangements (Appendix 7)
  
2. The Standards Committee is also asked to note changes to the Constitution made and to be made by the Monitoring Officer under delegated powers as permitted under Article 15.3 of Part 2 of the Constitution, on the following matters:
  - f) Part 15: Officer Employment Procedure Rules, in relation to Changes to Statutory Dismissal Procedures for Heads of Paid Service, Monitoring Officers and s.151 Finance Officers
  - g) Part 2 Appendix 1: Updated Committee Schedule
  - h) Part 14: Members Allowances Scheme
  - i) New Protocol: Local Pension Board and Part 3: Responsibility for Functions and Scheme of Delegation
  - j) Part 7: Cabinet Procedure Rules

### Background

3. 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.
  
4. The Focus Group met on 3 December 2014 and 8 January, 1 April and 11 June 2015, to review sections of the constitution as detailed in paragraph 1 and made a series of recommendations.

### Main Considerations

5. The relevant minutes and resolutions of the Focus Group meetings listed in paragraph 4 can be found at Appendix 1.

## Summary of proposed changes

### (a) Part 4 - Council Rules of Procedure

6. The Constitution Focus Group considered a series of changes to Part 4 of the Constitution across the meetings listed in Paragraph 4.

#### Public Disturbances

7. The Focus Group considered and recommended further clarifications to the rules on public disturbance, in particular regarding the displaying of offensive materials and a requirement for a Chairman to consult with the Monitoring Officer or their designated representative before requiring someone causing a public disturbance to leave a meeting.

#### Recorded Voting

8. It was also recommended that in order to take advantage of the technology in the County Hall Council Chamber to provide a record of how Members voted in Council, without requiring the use of the technology for inconsequential matters, the rules on voting should be amended to be either recorded or by assent of a meeting, removing the option of a show of hands. It would therefore be at the Chairman's discretion when to utilize the technology, while retaining the right of Members to demand a Recorded Vote.

#### State of Wiltshire Debate

9. In consultation with Group Leaders, it was agreed to remove the sections in Part 4 in relation to the 'State of Wiltshire' debate, which had not taken place for several years and had been superseded by the development of the Business Plan and its consideration.

#### Councillors' Questions

10. The final section of Part 4 reviewed was in relation to the submission of and processing of Councillors' Questions for council meetings.
11. The review considered issues in relation to, whether the timescales for submission and rules regarding types of responses were appropriate, how questions were logged and total number of questions presented at meetings.
12. As detailed in Appendix 1 for the meetings 1 April and 11 June, the Focus Group determined to amend the Constitution to revise the procedure for submission and processing of councillor questions, with the key changes being:
  - I. Extending the deadline for submission of questions to council to receive guaranteed written responses, with the current deadline being retained with the option of verbal responses.
  - II. Amending the procedure for receipt of the questions at council meetings
  - III. Limiting the number of questions presented at any one meeting to 20 questions, with all other submitted questions guaranteed written responses within 5 working days of the meeting

13. A guidance note for councillors on the questions procedure can be found at Appendix 2.
14. The changes to Part 4 encompassing all these sections can be found at Appendix 3.

### **Recommendation**

15. **That the Standards Committee recommend Council approve changes to Part 4 of the Constitution in relation to public disturbances, recorded voting, the 'State of Wiltshire' debate and Councillors' Questions, as shown in the attached tracked change document at Appendix 3.**

### **(b) Protocol 1: Briefing and Information for Local Councillors and Protocol 2: Councillor-Officer Relations**

16. The Focus Group reviewed Protocol 1 to consider if the specification of councillors' roles and what information should be provided to them by officers was up to date.
17. A motion from Councillors Jon Hubbard and Stephen Oldrieve at Council on 27 February 2015 further requested Protocol 2 also be reviewed as a result of concerns regarding all councillors being kept up to date by officers, in particular in relation to issues relating to their own electoral divisions.
18. The Focus Group therefore resolved to recommend amendments to address such concerns following meetings on 8 January, 1 April and 11 June 2015.
19. It was also agreed that, in line with other local authorities and owing to the intrinsic connection between the pair, the two protocols should be integrated into a single Protocol.
20. The Focus Group also sought assurances and information from the Corporate Leadership Team on how they would ensure and encourage further officer compliance with obligations to keep councillors informed of relevant information, events and actions within their Divisions as detailed in the Protocol.

### **Recommendation:**

21. **That the Standards Committee recommend Council approve changes to Protocols 1 and 2 of the Constitution, to include their integration into a single protocol and the renumbering of subsequent protocols, and Part 2 of the Constitution, as shown in the attached tracked change document at Appendix 4.**

### **(c) Protocol 7: Media Protocol, and Social Media Guidance for Councillors**

22. The Focus Group reviewed Protocol 7 across the meetings on 3 December 2014 and 8 January, 1 April and 11 June 2015, considering changes in relation

to webcasting, personal websites for Members and Social Media Guidance for Councillors.

23. In addition to amending the Protocol to reflect the incorporation of rules on webcasting council meetings, clarification was sought and added on what situations would necessitate the cessation of a recording, and the procedure a Chairman should follow when determining that course of action.
24. Members considered it vital that guidance in relation to Social Media and personal websites did not in any way seek to restrict Members from being open and critical of the council if necessary in the course of their duties and responsibilities, and recommended the Social Media Guidance be considered as an associated document to the Protocol, and included on the website alongside it, for the assistance of Members on what the risks could be when operating such sites.

**Recommendation:**

25. **That the Standards Committee recommend Council approve changes to Protocol 7 of the Constitution as shown in the attached tracked change document at Appendix 5. And;**
26. **To adopt the ‘Social Media Guidance for Councillors’ and publish it alongside the Protocol for the benefit of councillors.**

**(d) Protocol 9: Monitoring Officer**

27. Protocol 9 was reviewed at the 8 January 2015 meeting of the Focus Group, where mostly minor changes and the inclusion of responsibility to maintain a Register of Interests for Members and Co-Opted Members, as well town and parish councils, were approved.

**Recommendation:**

28. **That the Standards Committee recommend Council approve changes to Protocol 9 of the Constitution as shown in the attached tracked change document at Appendix 6.**

**(e) Protocol 11: Governance Reporting Arrangements**

29. Protocol 11 was reviewed at the 8 January and 1 April 2015 meetings of the Focus Group, updating and revising the reporting arrangements of committees, and including newer bodies such as the Local Enterprise Partnership and Police and Crime Panel.

**Recommendation:**

30. **That the Standards Committee recommend Council approve changes to Protocol 11 of the Constitution as shown in the attached tracked change document at Appendix 7.**



## Article 15.3 of Part 2 Changes

31. Under Article 15.3 of Part 2 of the Constitution the Monitoring Officer has the delegated authority to amend the constitution 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*'.
32. Since the last meeting of the Standards Committee a number of changes to the Constitution have been or will be required under the principles in paragraph 31 above, and are summarised below.

### **(f) Part 15: Officer Employment Procedure Rules, in relation to Changes to Statutory Dismissal Procedures for Heads of Paid Service, Monitoring Officers and s.151 Finance Officers**

33. On 11 May 2015 *the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015* came into force, having been made on 25 March 2015. These regulations introduced changes to statutory dismissal procedures for Heads of Paid Service, Monitoring Officers and S.151 Officers.
34. The Regulations remove the requirement to appoint a Designated Independent Person to investigate and make a binding recommendation on disciplinary action against the listed senior staff. Instead, they provide that the decision must be taken by full council who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.
35. Council must invite at least two independent persons (appointed under standards legislation) to be members of the panel, and invitations must be sent in accordance with the following order of priority:
  - I. an independent person who has been appointed by the council and who is a local government elector;
  - II. any other independent person who has been appointed by the council; and
  - III. an independent person who has been appointed by another council or councils.
36. The regulations will require changes to Part 15 of the Constitution - Officer Employment Procedure Rules - as well as contractual changes for affected officers. Discussions between the Local Government Association(LGA) and Department for Communities and Local Government (DCLG) are ongoing.
37. The regulations further require a report on the necessary amendments to the council's standing orders and the constitution to be incorporated by, and to be received by council, no later than the next ordinary meeting, 14 July 2015.

## **Recommendation**

38. **That the Standards Committee note the intention under Article 15.3 of Part 2 of the Constitution for the Monitoring Officer to make necessary amendments in respect of Part 15 of the Constitution as summarised above.**

### **(g) Part 2.1: Committee Schedule**

39. With the creation of new bodies such as the Joint Strategic Economic Committee (JSEC), Pension Board and others, the council's committee schedule had become out of date, and as such a revised version will need uploaded to reflect the current structure.

## **Recommendation**

40. **That the Standards Committee note the intention under Article 15.3 of Part 2 of the Constitution for the Monitoring Officer to make necessary amendments in respect of Part 2.1 of the Constitution as summarised above.**

### **(h) Part 14: Members' Allowances Scheme**

41. Full Council on 12 November 2013 adopted a series of changes to the Members' Allowances Scheme following a review and recommendations from the Independent Remuneration Panel, setting the level of Basic Allowance and Special Responsibility Allowances and other allowances.
42. Full Council further resolved that '*The Council adopts the annual pay award to council staff as the index by which annual adjustments are made to the basic allowance and the special responsibility allowances payable to individual councillors for the period up to 2016/17*'. Following the agreement of the staff pay award up to 2016/17 in December 2014, the Monitoring Officer has therefore updated the Members' Allowance Scheme accordingly.

## **Recommendation**

43. **That the Standards Committee note the intention under Article 15.3 of Part 2 of the Constitution for the Monitoring Officer to make necessary amendments in respect of Part 14 of the Constitution as summarised above.**

### **(i) New Protocol: Local Pension Board and Part 3: Responsibility for Functions and Scheme of Delegation**

44. Full Council on 27 February 2015 approved the creation of a local Pension Board in accordance with legislation, delegating final wording of the terms of reference of the new body to the Associate Director, Finance.
45. Owing to the length of the terms of reference, these have been included in a new Protocol. Subject to approval of the changes listed at paragraph 19

regarding the amalgamation of Protocols 1 and 2 into a single Protocol 1, this new Protocol could be placed as the new Protocol 2.

46. The Pension Board will also be listed under Part 3 of the Constitution with committees of the council and other bodies such as the Health and Wellbeing Board.

### **Recommendation**

47. **That the Standards Committee note the intention under Article 15.3 of Part 2 of the Constitution for the Monitoring Officer to make necessary amendments in respect of Part 3 and the new Protocol of the Constitution as summarised above.**

### **(j) Part 7: Cabinet Procedure Rules**

48. Following approval of Part 3 of the Constitution on 24 February 2015, Part 3C of the Constitution states that '*Cabinet members may exercise any executive functions within their allocated areas of responsibility, as set out in Appendix 2. The Monitoring Officer has delegated authority to amend Appendix 2 from time to time to reflect the decision of the Leader*'.
49. Part 7 was not updated to reflect this change at the same time, and this has been revised to reflect the decision of Council in Part 3C to permit the Monitoring Officer to update the Constitution regarding changes of Cabinet Member responsibility, rather than requiring a report to Council when there is any change of Cabinet responsibility.

### **Recommendation**

50. **That the Standards Committee note the intention under Article 15.3 of Part 2 of the Constitution for the Monitoring Officer to make necessary amendments in respect of Part 7 of the Constitution as summarised above.**

### **Safeguarding Implications**

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

### **Equalities Impact of the Proposal**

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

### **Risk assessment**

53. There are no significant risks arising from this report

### **Financial Implications**

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

## **Legal Implications**

55. 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**

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

## **Environmental Impact of the Proposals**

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

## **Proposal**

58. **That the Standards Committee recommends Council approve the changes to the Constitution as set out in paragraphs, 15, 21, 25, 26, 28 and 30 above. And;**
59. **That the Standards Committee note the intention of the Monitoring Officer to make changes to the Constitution under the delegated authority granted under Article 15.3 of Part 2 of the Constitution as set out in paragraphs 36, 38, 43, 47 and 50.**

## **Ian Gibbons, Associate Director, Legal and Governance and Monitoring Officer**

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

## **Appendices**

Appendix 1 - Minutes of the Constitution Focus Group (3 December 2014, 8 January, 1 April and 11 June 2015)

Appendix 2 - Procedure for Submission of Council Questions

### Recommended Changes for Council Approval

Appendix 3 - Tracked Changes to Part 4 of the Constitution

Appendix 4 - Tracked Changes to Protocols 1 and 2 of the Constitution

Appendix 5 - Tracked Changes to Protocol 7 of the Constitution and Social Media Guidance for Councillors

Appendix 6 - Tracked Changes to Protocol 9 of the Constitution

Appendix 7 - Tracked Changes to Protocol 11 of the Constitution

## CONSTITUTION FOCUS GROUP

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### MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 3 DECEMBER 2014 AT NORTH WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### **Present:**

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

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#### 34 **Apologies**

Apologies were received from Councillor Ernie Clark, Miss Pam Turner and Mr Paul Neale.

#### 35 **Minutes of the Previous Meeting**

The minutes of the meeting held on 28 May 2014 were presented for consideration and it was,

#### **Resolved:**

**To APPROVE as a true and correct record and sign the minutes.**

#### 36 **Review of Part 3: Responsibility for Function and Schemes of Delegation**

The Monitoring Officer presented a report on proposed changes to Part 3 of the Constitution in relation to election of Area Board Chairmen and Cabinet Member representation on Area Boards which did not have a Cabinet Member as a standing Member, following a request from Council on 29 July 2014 for the details to be clarified further.

One issue was the election of a Chairman in a unitary election year where an equality of votes occurred. It was also necessary to clarify what should happen if both Chairman and Vice-Chairman were nominated to be the Chairman for the forthcoming year.

The Focus Group considered that the process should be kept as simple as possible. . and determined that the Democratic Services Officer present should preside over the election in each year, drawing lots in the event of an equality of votes.

Regarding Cabinet Member representation on Area Boards the rules should be amended to clarify that a Cabinet Member would attend an area board meeting upon request reflecting current practice as well as the commitment of Cabinet Members to attend if so requested.

**Resolved:**

**To advise the Standards Committee to recommend Council to adopt the proposed amendments to Part 3 of the Constitution as contained at Appendix 1 to these minutes.**

37 **Review of Protocol 7: Media Relations and Protocol 1: Briefing and Information for Local Councillors**

The Monitoring Officer presented a draft revised Protocol 7- Media Protocol - and sought the views of the Focus Group on proposed additions to take into account the increased relevance and impact of Webcasting and Social Media policies for Members, as well as whether or not Protocol 1 - Briefing and Information for Local Councillors - should be incorporated within the same protocol.

The Focus Group considered the guidance on Webcasting which had been provided to Members ahead of the meeting of Council in October 2014 when the Council first utilized its Webcasting system, and the change in legislation which meant that members of the public have the right to record public meetings.. It was noted that although it would be advisable for those wishing to record a meeting to speak to council officers beforehand in case any practical arrangements or special requirements are needed, this could only be advisory.

Members wished to include safeguards within the guidance on webcasting to ensure that the chairman's power to suspend or terminate recording was exercised appropriately and that the interests of vulnerable persons were protected. . When considering the Social Media policy the Focus Group stated that much of it applied to officers only rather than also Members, and that provisions relating to restriction of content of blogs and posts should be confirmed to only apply to Wiltshire Council maintained social media. It was requested an updated and more member specific policy be brought back to the Focus Group, to also include reference to the behaviours framework.

The Focus Group further determined that Protocol 1 and Protocol 7 should remain separate protocols.

**Resolved:**

**To amend Protocol 7 and Protocol 1 taking account of the comments of the Focus Group, to be approved at the next meeting.**

38 **Review of Part 4: Rules of Procedure**

The Monitoring Officer presented a report on proposed amendments to Part 4 of the Constitution. The changes would be made under the delegated authority of the Monitoring Officer under Article 15.3 of Part 2 of the Constitution.

It was explained the amendments would be to ensure consistency with the rest of the Constitution and to correct cross referencing errors. The main changes would be to clarify the minimum quorum for committees to be three voting members and move the paragraph detailing which sections applied to which committees of the council to the front of the document.

The Focus Group also noted the paragraphs in relation to an annual 'State of Wiltshire' debate, which had not taken place for many years. It was recognised that this had largely been superseded by the council's consideration of the Business Plan, although this did not encompass all matters that were envisaged by a State of Wiltshire debate.. Prior to any changes being recommended to those paragraphs, it was requested the views of Group Leaders should be sought.

An amendment was also requested to ensure that a Chairman would be obliged to count members to determine if a meeting was inquorate.

**Resolved:**

**To note the proposed changes to Part 4 of the Constitution as detailed in the report, and to refer the sections on the 'State of Wiltshire' debate to Group Leaders for consideration.**

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

The Forward Plan and date of the next meeting as 7 January 2015 was noted.

40 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.15 - 3.30 pm)

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## CONSTITUTION FOCUS GROUP

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**MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 8 JANUARY 2015 AT THE LEADER'S OFFICE, COUNTY HALL, TROWBRIDGE, BA14 8JN.**

**Present:**

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

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1 **Apologies**

Apologies were received from Mr Paul Neale and Miss Pam Turner.

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 3 December 2014 were presented for consideration, and it was,

**Resolved:**

**That subject to amending “The Democratic Services Representative may” for “The Democratic Services Representative shall” under paragraph 4.9.4 and 4.9.5 of Appendix 1, to APPROVE as a true and correct record and sign the minutes.**

3 **Review of Protocol 7: Media Relations**

The Monitoring Officer presented amendments to Protocol 7 as requested by the Focus Group at its last meeting, clarifying wording on when a Chairman could suspend the recording of a meeting, and other minor changes.

It was requested that it be specified that a designated representative of the Monitoring Officer could be consulted by a Chairman on whether to suspend recording of a meeting. It was also stated that if anyone recording a meeting was responsible for any claims resulting from their recording and would be required to indemnify the council in relation to such claims, this would need to be drawn to their attention with a notification or announcement.

In debating the proposed social media guidance for councillors, the Focus Group determined this should be included within the Protocol as an appendix. The views of the Corporate Leadership Team were to be sought on the contents before a draft was to be considered by the Focus Group for approval.

The Focus Group also considered whether generic advice on Pre-Election Periods should be included within the Protocol, but considered that as a reminder of legal obligations tied to specific legislative deadlines depending on which election was taking place, this should continue to be issued by the Monitoring Officer as and when necessary.

**Resolved:**

**That subject to the later approval by the Focus Group of Social Media Guidance for Councillors, to recommend to the Standards Committee to request Council adopt the proposed revisions to Protocol 7.**

**4 Review of Protocol 1: Briefing and Information for Local Councillors**

The Monitoring Officer presented a revised Protocol 1, which contained a condensed version of the same information as contained in the existing Protocol.

The Focus Group advised on the roles of councillors that should be specifically mentioned within the Protocol, and discussed the level of information regarding their divisions that councillors currently received from council officers, what they felt councillors should be able to receive or be notified of, and how best to facilitate that level of notification. It was noted that currently councillors were not consistently informed of important business within their Divisions.

The Focus Group felt that with the adoption of paperless working and advances in electronic communication and monitoring of issues raised with the council, the Protocol should be redrafted following an investigation into the most appropriate method of notifying councillors of important business within their Divisions.

**Resolved:**

**For a redrafted Protocol 1 to be considered at a future meeting of the Focus Group.**

**5 Review of Protocol 9: Monitoring Officer**

The Monitoring Officer presented revisions to Protocol 9 of the constitution, which were stated to be mostly cosmetic changes, as well as the inclusion of the responsibility to maintain a Register of Interests for members and co-opted members of the council, as well as the town and parish councils of Wiltshire.

**Resolved:**

**To recommend to the Standard Committee that Council adopt the changes to Protocol 9.**

6 **Review of Protocol 11: Governance Reporting Arrangements**

The Monitoring Officer presented proposed revisions to Protocol 11 of the constitution, updating the governance reporting arrangements of the council.

The Focus Group debated the proposed changes, requesting external and internal audit list the same 'interested committees', and for updates to include Looked After Children and Safeguarding issues, and references where appropriate to newer bodies such as the Police and Crime Panel and Health and Wellbeing Board. It was also confirmed that amending the constitution remained the responsibility of Council, and this should be made clearer in the document.

**Resolved:**

**For the Focus Group to consider further revisions at its next meeting.**

7 **Review of Protocol 10: Code of Corporate Governance**

The Monitoring Officer stated that Protocol 10 was being revised through the Governance Steering Group, a body of senior officers including the Monitoring Officer and the Associate Director of Finance, as well as the Vice-Chairman of the Audit Committee.

**Resolved:**

**For the Focus Group to consider any proposed revisions at its next meeting.**

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

It was requested the date of the next meeting be moved from 11 March 2015, with details to be circulated when arranged.

The Forward Plan was noted, with the intention to approve those items deferred for further consideration from the current meeting, along with if possible the Contract and Procurement rules, for final approval at the Council meeting on 12 May 2015.

9 **Urgent Items**

There were no urgent items.

(Duration of meeting: 1.10 - 2.20 pm)

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## CONSTITUTION FOCUS GROUP

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### MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 1 APRIL 2015 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

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

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#### 10 Apologies

Apologies were received from Mr Paul Neale and Miss Pam Turner.

#### 11 Minutes of the Previous Meeting

The minutes of the meeting held on 8 January were presented for consideration and it was,

#### Resolved:

**To approve and sign as a true and correct record.**

#### 12 Protocol 7 - Media Relations (Social Media Guidance for Councillors)

At its last meeting the Focus Group considered and approved proposed changed to Protocol 7 - Media Relations - particular in respect of changes required as a result of the implementation of webcasting for some council meetings. It was further decided that councillors should be provided with a specific social media guidance policy similar that which applied to officers of the council.

The Monitoring Officer presented draft 'Social Media Guidance for Councillors' which could be included within the constitution or linked as an associated document. Members noted that any council business or information conducted on social media was subject to the same Freedom of Information rules as email messages, and that this as well as the need to remind councillors of their responsibilities and the potential risks through use of social media, justified the creation of the guidance to assist all Members.

Members discussed the contents of the guidance, and supported the focus on common sense advice, but were clear that the ability of members to be able engage in robust political comment and challenge on their own social media was essential, particularly as there could be circumstances where a councillor had a duty to report matters which could be argued would damage the reputation of the council.

Members were satisfied that the Guidance could form an advisory note for councillors, rather than be contained within the body of the constitution proper.

**Resolved:**

**To review a final draft of the Social Media Guidance for Councillors at the next meeting of the Focus Group.**

13 **Protocol 1 - Briefing and Information for Local Councillors and Protocol 2 - Councillor/Officer Relations**

At its last meeting the Focus Group considered revisions to Protocol 1 - Briefing and Information for Local Councillors - and requested further alterations.

The Monitoring Officer presented a proposal for Protocol 1 to be subsumed within Protocol 2 - Councillor/Officer Relations - with paragraphs to detail the general obligation of all officers to provide councillors with information of events occurring within their Divisions, and a detailed appendix setting out what information should be provided and how it could be accessed or circulated.

Members supported the proposal, and requested the Corporate Leadership Team consider the obligations of officers carefully and ensure that these were strongly reemphasised as the Protocol was finalised in order to improve this essential service.

Protocol 2 also contained details of timescales by which officers should acknowledge and respond substantively to questions and requests for information from councillors, and at Council on 24 February it was agreed to refer to the Standards Committee to review this section, along with whether there should be similar formal timescales within the constitution for officer acknowledgement and response to public enquiries, following a motion from Cllrs Jon Hubbard and Steve Oldrieve.

Members acknowledged that resource levels impacted how well the timescales as laid out for responses to councillors were met, currently 2 days for an acknowledgement and a further five days for a substantive response, and discussed whether these were realistic and reasonable timescales, and requested CLT determine whether any particular areas experienced problems meeting those deadlines.

It was noted that members were bound by similar timescales when responding to public queries, and if the councillor-officer timescales were unrealistic this had a direct impact on the councillor's ability to respond within time to queries they had received. It was considered that the timescale for officer response to councillor queries should be less than that for a public query, to enable councillors to obtain answers on behalf of those residents who had contacted them for assistance, within the timescale.

The council's website contained guidelines for response to public queries, being 2 days for an acknowledgement and 10 days for a more detailed response, and it was felt that this wording should be included as a formal commitment within the constitution at Part 2 article 3.1 as a right of the member of the public, but with a deadline of 15 days for a more detailed response.

**Resolved:**

**To seek the views and CLT and receive draft proposals at the next meeting of the Focus Group.**

14 **Protocol 11 - Governance Reporting Arrangements**

The Focus Group considered further amendments to Protocol 11 following the last meeting, and made further suggestions in respect of interested parties regarding the Local Enterprise Partnership.

**Resolved:**

**To recommend that the Standards Committee ask Council to approve the changes to Protocol 11 as attached.**

15 **Part 4 - Council Rules of Procedure**

The Focus Group considered proposals to review Part 4 of the Constitution in relation to the following areas.

15a **Part 4 - State of Wiltshire Debate**

Following a request from the Focus Group, Group Leaders had considered the paragraph on the 'State of Wiltshire' debate that had not taken place at council for several years. Group Leaders were in agreement that the debate had been overtaken by other events such as consideration of the business plan, and the paragraphs were therefore redundant.

**Resolved:**

**To recommend to the Standards Committee that Council delete paragraphs 119-123 of part 4 of the constitution in respect of the 'State of Wiltshire' debate.**

15b **Part 4 - Questions**

In response to the continued high number of questions submitted at Council meetings, the Focus Group considered the paragraphs in relation to councillor submitted questions for full council and whether the impact on officers and members from the current timescales was acceptable, or if different timescales or processes could improve the procedure for members, officers and the public.

The Focus Group considered the impact on officers from the current timescales in preparing large numbers of responses for approval, while feeling that a restriction on the number of questions that could be submitted was not appropriate, and whether some questions should be signposted to other persons or committees.

On balance the Focus Group felt that a further pushing back of the deadline for submission of questions to permit more time for responses to be prepared might be acceptable, but some members felt this should only be recommended were there changes to insist that a written response must be provided as a result, rather than an acceptable answer, as at present, being merely that a verbal answer would be provided at the meeting. This recognised that in some instances a full answer might not be able to be provided in written form and might need updating verbally at the meeting, but that some form of detail should be provided beforehand to enable supplementary questions to be readied by the questioner.

It was not felt suitable for questions to have the same deadline as Notices of Motion, given the lack of potential need for an officer report to be prepared.

**Resolved:**

**For proposals on changes to the procedures in relation to Council Questions to be presented to the Focus Group at its next meeting.**

15c **Part 4 - Recorded Votes**

In response to the possibility of utilizing the electronic voting system for every vote in Full Council meetings, and the names for each vote being then available in the minutes, being raised at the last Council meeting on 24 February, the Focus Group considered the potential advantages and limitations to such a



change, which would require alteration to the rules in the constitution regarding recorded votes.

During debate it was noted that with most votes in Council meetings being taken by acclamation of the meeting rather than a formal show of hands or recorded vote, although the electronic system was faster than the old method of recording votes, it was nevertheless an unnecessary use of time for many votes which were procedural or otherwise uncontroversial.

It was felt that by removing the option to determine a vote by show of hands, and leaving it to the Chairman's discretion to use the electronic voting system or to approve by acclamation of the meeting, while retaining the ability for members to force a recorded vote, a balance was achieved that did not require the system for all votes, but that any vote that in the opinion of the Chairman would involve significant dissent or was of clear significance, could utilise it.

It was further felt that in the event of the system being used, whether a forced 'recorded vote' or the Chairman deciding to utilise the system of their own volition, the results should be appended to the minutes of the meeting.

**Resolved:**

**To recommend that the Standards Committee ask Council to approve changes to Part 4 of the Constitution as attached.**

15d **Part 4 - Public Disturbances**

Following a disturbance at a Council meeting on 24 February 2015 the Focus Group was asked to consider if the current provisions on handling public disturbances were appropriate, particularly in relation to offensive materials.

The Focus Group considered that the current provisions could be strengthened to clarify the powers of the Chairman to eject a member of the public acting inappropriately, but requested additional wording for the Chairman to consult with the Monitoring Officer or his designated representative before utilising the authority to ensure it was considered appropriately before use.

**Resolved:**

**To recommend to the Standards Committee to ask Council to approve the changes to Part 4 of the Constitution as attached.**

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

The date of the next meeting was confirmed as 27 May 2015.

With the April meeting of the Standards Committee cancelled due to insufficient business, the Focus Group requested it meet in Mid-June to enable time to

consider the multiple constitutional changes that would be scheduled for approval.

17 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.45 pm)

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## CONSTITUTION FOCUS GROUP

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### 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

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#### 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)

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## Procedure for Councillor Questions at Council Meetings

1. The purpose of this procedure note is to provide guidance to Members and officers on how questions at Council meetings shall be dealt with.

It is intended to be read alongside, and to be complementary to, paragraphs 50-71 of Part 4 of the Constitution - Council Procedure Rules. If there is any conflict between the two then the Council Procedure Rules shall take precedence.

2. Members are encouraged to deliver any question as early as possible. Paragraphs 54-55 provides that questions on notice should be delivered to the Democratic Governance Manager no later than 5pm eight clear working days before the date of the relevant Council meeting in order to be guaranteed of a written response prior to the council meeting.

Questions received between eight and no later than 5pm four clear working days before a meeting may only receive a verbal response.

3. Whenever questions relate to operational issues, Members are encouraged to refer the question to the appropriate Head of Service or Director, as appropriate, in the first instance.
4. No more than 20 supplementary questions or verbal responses submitted will be received at the meeting from the list of questions submitted in accordance with paragraph 64. All questions will be recorded in an update received at the meeting, and any question which was given a verbal response will also receive a written response from the appropriate member no later than 5 clear working days after the meeting.
5. In accordance with paragraph 62, questions will be taken in the order of receipt per member, but a member may not ask a second question until all other first questions from other members have been dealt with. The same principle applies to third and subsequent questions.

For example, if member A submits four questions, and afterwards member B and thereafter member C submit two and one question respectively, the order of presentation at the meeting would be:

Q1 Member A  
Q2 Member B  
Q3 Member C  
Q4 Member A  
Q5 Member B  
Q6-7 Member A

6. Members should therefore submit their questions listed in priority order in accordance with paragraph 57.
7. In accordance with paragraph 53 Member questions shall only be permitted at extraordinary meetings if they relate to the subject(s) under consideration at the extraordinary meeting.



# Part 4

## RULES OF PROCEDURE: COUNCIL

### Application to committees and sub-committees

1. All of the council rules of procedure apply to meetings of Full Council. Only paragraph 48 applies to meetings of the cabinet. Only paragraphs 15 – 41; ~~94 95 – 118~~~~119~~; ~~123-120~~ – 130~~3~~; 132~~5~~; 137~~40~~; 140~~3~~ - 145~~8~~ apply to meetings of committees and sub-committees.

### Annual meeting of the Council

2. In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May (Local Government Act 1972, Schedule 12, paragraph 2).
3. The annual meeting will:
  - elect a person to preside if the Chairman of Council is not present
  - elect the Chairman of Council (Local Government Act 1972, s.4)
  - elect the Vice-Chairman of Council
  - approve the minutes of the last meeting
  - receive any announcements from the Chairman and/or head of the paid service
  - in an election year, elect the Leader
  - appoint at least one overview and scrutiny committee, a standards committee and such other committees as the council considers appropriate to deal with matters which are neither reserved to the council nor are cabinet functions (as set out in part 3 of this constitution) (Local Government and Housing Act 1989, s.15)
  - agree the scheme of delegation or such part of it as the constitution determines it is for the council to agree (as set out in Part 3 of this constitution)
  - approve a programme of ordinary meetings of the council for the year and
  - consider any business set out in the notice convening the meeting.

### Election of Chairman, Vice-Chairman and Leader of the Council

4. The election of the Chairman and the election of the Vice-Chairman shall be the

first and second items of business respectively transacted at the annual meeting of the council (Local Government Act 1972 s.4 and s.5).

5. The election of the Chairman, Vice-Chairman and Leader shall be determined by a show of hands unless at least 10 Councillors request a secret ballot which shall be conducted by the person presiding in accordance with the following procedure:

- the person presiding at the meeting shall invite nominations for Chairman, Vice- Chairman and Leader from those present at the meeting
- a Councillor's name must be proposed and seconded to be eligible
- a Councillor shall not be nominated in his or her absence for the position of Chairman, Vice-Chairman or Leader without his or her written consent
- the Chairman, Vice-Chairman or Leader shall be elected from among the Councillors duly nominated unless any Councillor nominated withdraws his or her name, in which case the election shall be from among the remaining nominees
- the Chairman, Vice-Chairman or Leader shall be elected by the vote of a majority of those Councillors present and voting (Local Government Act 1972 s4(3))
- each Councillor shall vote by writing the name of one of the Councillors nominated upon a ballot paper which shall then be placed in the ballot box
- when, in the opinion of the person presiding at the election, each Councillor present has had a reasonable time in which to vote, the ballot box should be delivered to the person presiding whereupon the voting shall be deemed to have been completed except that this shall not preclude the person presiding from exercising his or her casting vote in accordance with the final bullet of this section
- the ballot papers shall then be counted by the person presiding at the election
- if only one Councillor is nominated, the person presiding shall declare that member elected as Chairman, Vice-Chairman or Leader as the case may be; and if two members are nominated the member receiving the vote of the majority of those members present and voting shall be declared elected (Local Government Act 1972, Schedule 12, paragraph 39)
- if more than two Councillors are nominated, the person presiding shall announce the name of the Councillor with the smallest number of votes and that name shall be eliminated. A further ballot or ballots shall then be taken and after each ballot the name of the Councillor receiving the smallest number of votes shall be eliminated, in accordance with the foregoing procedure, until only two names remain which shall be submitted to the final vote

- in the event of an equality of votes in any of the ballots, the person presiding shall give a casting vote and where there are three or more members with an equal number of votes the person presiding shall give a casting vote to each of such members except one (Local Government Act 1972, Schedule 12, paragraph 39).

### **Selection of Councillors to serve on committees and outside bodies**

6. At the annual meeting, the council will:

- decide which committees to establish for the municipal year
- decide the size and terms of reference for those committees
- decide the allocation of seats and substitutes to political groups in accordance with the political balance rules (Local Government and Housing Act 1989 s.15(1))
- receive nominations of Councillors to serve on each committee and
- appoint to those committees
- Appointments to outside bodies will be made by the Leader of Council, Cabinet, Area Boards or a meeting of group leaders as appropriate.

### **Ordinary meetings**

7. Ordinary meetings of the council will take place in accordance with a programme decided by council. Ordinary meetings will:

- elect a person to preside if the Chairman and Vice-Chairman are not present
- elect a Leader if there is a vacancy
- approve the minutes of the last meeting
- receive any declarations of interest from members
- receive any announcements from the Chairman, Leader, members of the cabinet, committee chairmen or the head of paid service
- receive questions from and provide answers to members of the council and the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting
- deal with any business from the last council meeting
- receive reports from the cabinet and the council's committees and receive questions and answers on any of those reports
- receive reports about and receive questions and answers on the business of joint arrangements and external organisations
- consider motions and
- consider any other business specified in the summons to the meeting, including consideration of proposals from the cabinet in relation to the

council's budget and policy framework and reports of the overview and scrutiny committees for debate.

8. Councillors wishing to ask a question in relation to the reports of the Swindon and Wiltshire Fire Authority are required to give written notice (including details of the question) to the Proper Officer no later than five clear working days before the council meeting.

### **Extraordinary meetings**

#### Calling extraordinary meetings

9. Those listed below may request the Proper Officer to call council meetings in addition to ordinary meetings:
  - the council by resolution
  - the Chairman of the Council (Local Government Act 1972, Schedule 12, paragraph 3(1))
  - the monitoring officer or the head of paid service (Local Government and Housing Act 1989 s.4 and s.5) and
  - any five members of the council if they have signed a requisition and presented it to the Chairman of the Council and he/she has refused to call a meeting, or has failed to call a meeting within seven days of the presentation of the requisition (Local Government Act 1972, Schedule 12, paragraph 3(2)).
10. The notice for any extraordinary meeting must specify the business proposed to be transacted at the meeting with no consideration of previous minutes or reports from committees.

### **Appointment of substitute members of committees and sub-committees**

#### Allocation

11. As well as allocating seats on committees, the council will allocate seats in the same manner for substitute members.

#### Number

12. For each committee, the council will appoint up to a maximum of four substitutes for each political group which holds seats on that committee.

#### Powers and duties

13. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

#### Substitution

14. Substitute members may attend meetings in that capacity only:

- to take the place of the ordinary member for whom they are the designated substitute
- where the ordinary member will be absent for the whole of the meeting and
- after notifying the Proper Officer before the start of the meeting of the intended substitution.

#### Declaration of disclosable pecuniary interests

15. Where a member has declared a pecuniary interest in an item on an agenda, they must withdraw from the meeting in their capacity as a councillor for the duration of that item, and not speak or vote on the item with the exception of exercising their right to speak as a member of the public.

#### Time and place of meetings

16. The time and place of meetings will be determined by the Proper Officer and notified in the summons (Local Government Act 1972, Schedule 12, paragraphs 1(4) and 2(2)).

17. With the exception of an extraordinary meeting requisitioned by Councillors in accordance with paragraph 9, the Proper Officer may cancel a meeting in the under mentioned circumstances following consultation with the Chairman and giving reasonable notice of its cancellation:

- Inclement weather
- Where there is reason to believe the meeting would not be quorate
- Insufficient business for the meeting to be viable
- Other reasonable unforeseen circumstances

#### Notice of and summons to meetings

18. The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Part 5 of this Constitution (Access to Information Procedure Rules). At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her by post to every member of the council, or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available (Local Government Act 1972, Schedule 12, paragraph 4).

#### Chair of meeting

19. The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

## Quorum

20. The quorum of a meeting will be one quarter of its total voting membership, subject to a minimum number of three voting members. During any meeting if upon request the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting (Local Government Act 1972, Schedule 12, paragraph 6).

## Public participation at meetings

21. The council welcomes public participation from anyone who lives, works or studies in Wiltshire, or who has a direct connection to a service provided by the council. Public participation can take the form of presenting petitions, making statements or asking questions.

22. This rule applies to council and committee meetings other than planning committees. Paragraphs 47 – 49 refer to the application of this rule at cabinet, planning committees and area boards.

## **Petitions**

23. The council has adopted a Petitions Scheme which is set out in Part 4A of this Constitution. This sets out the purpose of a petition, the eligibility criteria and relevant thresholds for making petitions, the procedure and review mechanisms.

## **Statements**

24. Up to three speakers are permitted to speak for up to 3 minutes each on any agenda item although this may be extended at the Chairman's discretion.

25. Those wishing to make a statement must register to do so at least 10 minutes prior to the meeting by contacting Democratic Services.

26. Statements must be relevant to the powers and duties of the council and be clear and concise. A statement must not:

- be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper
- relate to any non determined planning or licensing application
- name or identify individual service users, members of staff or members of staff of partner agencies

## **Questions**

27. At ordinary meetings of council, questions can be asked of the Chairman of Council, members of cabinet and Chairmen of committees, or chairmen of Committees (at committee meetings). The total time set aside for such questions and answers will be limited to 15 minutes which can be extended at

the Chairman's discretion.

#### Notice of questions

28. No person or organisation may submit more than two questions at any one meeting. No question may be sub-divided into more than two related parts.
29. Questions must be delivered in writing or by electronic mail to the Proper Officer no later than 5pm four clear working days before the meeting. This means that for a meeting held on a Tuesday, questions must be received by 5pm Tuesday of the preceding week (less any intervening bank holiday). The period of notice is to allow sufficient time for a response to be formulated.
30. In exceptional circumstances and in cases of urgency the Chairman may allow questions without the full period of notice having been given where he or she is satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.
31. Notice of each question must include the name and address of the questioner, (in respect of an organisation, the name of the organisation and the questioner's position within the organisation) and to whom the question is to be put.

#### Scope of questions

32. The question must be relevant to the powers and duties of the council and be clear and concise. A question will be rejected where it:
  - does not relate to a matter for which the local authority has a responsibility or which affects the council's administrative area
  - is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper
  - relates to any non determined planning or licensing application
  - requires the disclosure of confidential or exempt information
  - names or identifies individual service users, members of staff or members of staff of partner agencies
  - is considered by the Chairman to be inappropriate for the particular meeting.
33. The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.
34. Where a question is rejected on the above grounds, the questioner shall be advised of the reasons for rejection. Time permitting the questioner will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 32. For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraph 29 above.

#### At the meeting

35. Questions will be dealt with in order of receipt subject to the Chairman's



discretion to group together questions on the same or similar subject.

36. The Chairman may choose to take questions as read. However, if a questioner wishes to ask his or her question at the meeting, he or she will be given up to three minutes to ask each question. If the questioner prefers, the question may be asked on his or her behalf by his or her local division member if the local division member consents to this. If the questioner is not able to be present at the meeting and has not made arrangements for someone else to ask the question, the Chairman may ask the question on the questioner's behalf or indicate that a written reply will be given.
37. Subject to time constraints, questions which are submitted by the deadline will be answered at the meeting. However, the Chairman in consultation with the Monitoring Officer may refer a question to officers for a direct written response if they consider the question can be most appropriately handled in that way. Where a question is dealt with in this way, the questioner will be advised of this and provided with a response where possible within five working days of the meeting copied to all members of the council.
38. The relevant member of the Council or another member on their behalf will aim to provide a response in advance of, or at, the meeting and this will be followed up by a written copy of the response being sent to the questioner where possible within five working days of the meeting. Where it is not possible to provide a response at the meeting, a written response will be sent to the questioner where possible within five working days of the meeting.
39. Any questions which cannot be dealt with during the time allocated for questions will be dealt with by a written response sent to the questioner where possible within five working days of the meeting and copied to all members of the council.

#### Supplementary questions

40. For each question submitted, the questioner will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given. The Chairman may reject the supplementary question on the grounds listed in paragraph 32 above (reasons for rejection). The person to whom the question has been put or another member on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If this is not possible, a written response will be provided to the questioner where possible within five working days of the meeting.

#### Form of response

41. A response may take the following forms:
- a direct oral answer,
  - where the answer is contained within a publication of the council or in any report or minutes by reference to those documents
  - a written reply



#### No debate on questions

42. Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only, the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to council, cabinet or a committee by way of a motion which shall be moved, seconded and voted on without discussion.

#### Circulation of questions and responses

43. Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman, Leader of the Council and to the member of council to whom the question is to be put and any other relevant councillors.
44. Copies of questions received in accordance with these rules will be provided to all councillors or members of the committee as appropriate prior to the meeting.
45. Copies of responses where available, will be circulated to councillors two days before the meeting unless this is not possible due to exceptional circumstances.

#### Record of questions

46. The minutes of the meeting shall record the name of the questioner (in respect of an organisation, the name of the organisation and the questioner's position within the organisation), the subject matter, and the name of the person replying.

#### Application at Planning Committees, Cabinet and Area Boards

47. In respect of public participation at the Strategic Planning Committee and Area Planning Committees, please refer to the Planning Code of Good Practice for Members of Wiltshire Council Protocol. (Protocol 4 to this constitution)
48. In respect of public participation at Cabinet meetings, please refer to Part 7- Cabinet Procedure Rules.
49. In respect of Area Boards where public engagement is welcomed and encouraged throughout the meeting, please refer to any procedure rules and guidance as issued from time to time by the Leader.

#### Councillors' Questions

50. A member of the Council may ask the Leader of the Council, any other member of the Cabinet or Chairman of a committee or sub-committee any question without notice on a report of the Cabinet, Cabinet member or a committee or sub-committee when that report is being received or under consideration by the Council.

## Questions on notice

51. In respect of council meetings, a member of the council may ask

- the Chairman of Council
- Leader of the Council
- Cabinet member
- Chairman of a committee
- as appropriate, a question on any matter in relation to which the council has powers or duties or which affects the Council's administrative area at all ordinary meetings on matters which are not included in a report to the council.

52. In respect of committee meetings, a member of the council may ask a question of the Chairman of the committee a question on any matter in relation to the powers and duties of that committee at all ordinary meetings on matters which are not included in a report to that committee.

53. In the case of extraordinary meetings of council and committees, questions must relate to the subject(s) under consideration at the extraordinary meeting.

## Notice of questions

54. In order to be guaranteed of receiving a written response prior to the meeting, questions ~~Questions~~ must be delivered in writing or by electronic mail to the Proper Officer no later than 5pm ~~four~~ eight clear working days before the meeting. This means that for a meeting held on a Tuesday, questions must be received by 5pm Tuesday ~~of the preceding week~~ two weeks prior (less any intervening bank holiday). The period of notice is to allow sufficient time for a written response to be formulated.

55. Any question received between the deadline in paragraph 54 and no later than 5pm four clear working days before the meeting, may only receive a verbal response at the meeting. This means for a meeting held on a Tuesday, questions must be received by 5pm Tuesday of the preceding week (less any intervening bank holiday).

56. In exceptional circumstances the Chairman may allow questions without the full period of notice having been given where he or she is satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full or written reply will be given at the meeting.

57. Notice of each question must include the name of the member asking the question and to whom the question is to be put and be listed in priority order.

## Scope of questions

58. The question must be relevant to the powers and duties of the Full Council/committee and be clear and concise. A question will be rejected where it:

- does not relate to a matter for which the Council/committee has a responsibility or which affects the council's administrative area
- is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper
- relates to any non determined planning or licensing application
- requires the disclosure of confidential or exempt information
- names or identifies individual service users, members of staff or members of staff of partner agencies

considered by the Chairman to be inappropriate for the particular meeting.

59. The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.

60. Where a question is rejected on the above grounds, the councillor shall be advised of the reasons for rejection. Time permitting, the councillor will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph [57-58](#) (reasons for rejection). For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraph [54-55](#) above.

## At the meeting

61. No more than 20 questions will be presented at the meeting for the asking of a supplementary question or receipt of a verbal response. Any question which receives a verbal response will also receive a written response from the appropriate member no later than five clear working days after the meeting and copied to all councilors or members of the committee as appropriate.

62. Questions will be received in the order of receipt per member, but a member may not ask a second question until all other first questions from other members have been dealt with. The same principle applies to third and subsequent questions. Questions will be dealt with in order of receipt subject to the Chairman's discretion to group together questions on the same or similar subject.

63. The Chairman may choose to take questions as read. However, if a councillor wishes to ask his or her question at the meeting, he or she will be given up to three minutes to ask each question. If the councillor is not able to be present at the meeting, he or she can nominate another councillor to ask the question on his or her behalf. Questions will be taken as read. If no alternative councillor is nominated, not present to receive an answer to their

question in the event they were to receive a verbal response, the Chairman may ask the question on the councillor's behalf or indicate that a reply will be given in writing where possible within five working days of the meeting.

~~The relevant member of the council or another councillor on their behalf will aim to provide a response in advance of, or at, the meeting. Where it is not possible to provide a response at the meeting, a written response will be sent to the councillor where possible within five working days of the meeting and copied to all councillors or members of the committee as appropriate.~~

#### Supplementary question

64. For each question submitted, a councillor will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given, subject to the limit of 20 questions presented at the meeting in paragraph 61. The Chairman may reject the supplementary question on the grounds listed in paragraph 57-58 above (reasons for rejection).

65. The person to whom the question has been put or another councillor on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If this is not possible, a written response will be provided to the councillor where possible within five working days of the meeting.

#### Form of response

66. A response may take the following forms:

- a direct oral answer, unless the question has been submitted eight clear working days prior to the meeting
- where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents
- a written reply

#### No debate on questions

67. Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to council, cabinet or a committee by way of a motion which shall be moved, seconded and voted on without discussion.

#### Circulation of questions and responses

68. Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman of Council or committee as appropriate, Leader of the Council and the member of council to whom the question is to be put and any other relevant councillors.

69. Copies of questions received in accordance with these rules will be provided to

all councillors or members of the committee as appropriate prior to the meeting.

70. Copies of responses where available, will be circulated to councillors two days before the meeting unless this is not possible due to exceptional circumstances.

#### Record of questions

71. The minutes of the meeting shall record the name of the councillor asking the question, the subject matter, and the name of the councillor replying.

#### **Motions on notice**

##### Notice

72. Except for motions which can be moved without notice under paragraph 94, written notice of every motion signed by at least two members of council must be delivered to the Proper Officer no later than ten clear working days before the date of the meeting. This is to ensure that where appropriate a report is prepared to assist Council in its consideration of the motion.

73. In exceptional circumstances and in cases of urgency, the Chairman may accept motions without the full period of notice having been given.

74. Delivery can be by electronic means provided that the Proper Officer is satisfied that it has been sent by the councillors concerned.

75. Notices of motion may be moved at the Annual Meeting or any ordinary meeting of the Council.

76. Notices of motion may be moved at extra-ordinary meetings of the Council but only if the notice of motion relates to the subject matter of that extra-ordinary meeting.

77. There is no limit on the number of notices of motion that may be submitted to each meeting. However, the Chairman will apply this rule in the context of the length of the agenda to ensure proper conduct of the business to be transacted.

##### Scope

78. Motions must be clear and concise and be about matters for which the council has a responsibility or which affect the council's administrative area.

- Motions will be rejected where they:
- do not relate to a matter for which the council has a responsibility or which affect the council's administrative area or those living in that area
- are defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper

- relate to any non determined planning or licensing application
- name or identify individual service users, members of staff or members of staff of partner agencies
- considered by the Chairman to be inappropriate for the particular meeting or undermines the purposes of the constitution.

79. The Chairman's ruling on rejection of a motion will be final following consultation with the Monitoring Officer.

80. Where a motion is rejected, the councillors concerned will be advised as soon as possible giving reasons for rejection. Where time permits, the councillors concerned may submit an amended motion which will be considered afresh against the criteria in paragraph 77 above. For the avoidance of doubt, motions amended in this way must be delivered within the timescale referred to at paragraph 71 above.

#### Recording of motions

81. On receipt of notices of motion received in accordance with these rules, the Proper Officer will enter the details of the motion and the time and date of receipt in a book. This book shall be open for inspection by members of the public during normal office hours.

82. Motions received in accordance with these rules will be listed on the agenda in the order in which notice was received subject to the Proper Officer' discretion to group together motions on the same or similar subject, unless the councillors giving notice state in writing that they propose to move it to a later meeting or withdraw it.

#### At the meeting

83. The Chairman will invite the proposer, or one of the councillors, who has given notice of the motion to move the motion. Where these councillors are not available at the meeting, the motion can be moved and seconded by any other councillors.

84. A notice of motion must be moved at the meeting, it must then be seconded. If the motion is not moved and seconded, it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.

85. Once moved and seconded at the meeting, the councillor proposing the motion will be given up to five minutes in which to present his or her motion.

86. The Chairman will give the relevant cabinet member an opportunity to respond to the motion giving him or her up to five minutes in which to do so.

87. On considering a notice of motion and subject to paragraphs 88-93 below, the

following options shall then be open to the council:

- debate the motion and vote on it
- refer it to an appropriate member body with or without debate
- refer it to the Leader of Council with or without debate

88. The Chairman will move that the motion either be debated on the day or referred to the appropriate member body. This will be seconded by the Vice-Chairman of Council or in his or her absence, another member of the council and put to the vote without discussion. On the question of referring the motion to an appropriate member body, the only amendment the Chairman will accept is to which member body the motion should be referred.

89. If the motion relates to a function exercisable only by the council then the council will debate the motion and on consideration of a report, determine the motion or refer it to a future meeting of the Council.

90. If the motion relates to a function that has been delegated to another member body then the council will vote without debate on whether to refer the motion to that member body.

91. If referred to another member body that member body must consider the motion at its next available meeting. The mover and seconder of the motion will be invited to attend that meeting if they are not already members of that body in order to present their motion but will not be able to vote unless they have voting rights. The member body must report back to the council as soon as practicable by way of the minutes of that meeting.

92. If the notice of motion is referred to another member body following debate at council, a summary of the debate at council together with any recommendation will be taken into account by the member body when considering the motion.

93. If the notice of motion relates to an executive function, the motion will be referred to the Leader of the Council. The Leader will write to the proposers of the motion with a copy to all members of the council, advising them what steps he or she proposes to take.

94. Any decision of council arising from a motion must comply with the principles of decision making as set out in Part 2, paragraph 13.2 of this Constitution.

#### Motions without notice

95. The following motions may be moved without notice:

- to appoint a Chairman of the meeting at which the motion is moved
- in relation to the accuracy of the minutes

- to change the order of business in the agenda
- to refer something to an appropriate body or individual
- to appoint a committee or member arising from an item on the summons for the meeting
- to receive reports or adoption of recommendations of committees or officers and any resolutions following from them
- to withdraw a motion
- to amend a motion
- to proceed to the next business
- that the question be now put
- to adjourn a debate
- to adjourn a meeting
- to suspend a particular council procedure rule capable of being suspended
- to exclude the public and press in accordance with the access to information procedure rules
- not to hear further a member named under paragraph 144 or to exclude them from the meeting under paragraph 145
- to give the consent of the council where its consent is required by this constitution.

## **Rules of debate**

### No speeches until motion seconded

96. Once the mover has moved a proposal and explained its purpose, the motion must be seconded before any speeches may be made.

### Right to require motion in writing

97. Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

### Seconder's speech

98. When seconding a motion or amendment, a member may reserve their speech until later in the debate.

### Content and length of speeches

99. Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.

### When a Councillor may speak again



100. A councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- to speak once on an amendment moved by another member
- to move a further amendment if the motion has been amended since he/she last spoke
- if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried)
- in exercise of a right of reply
- on a point of order
- by way of personal explanation.

#### Amendments to motions

101. An amendment to a motion must be relevant to the motion and will be one of the following:

- to refer the matter to an appropriate body or individual for consideration or reconsideration;
- to leave out words;
- to leave out words and insert or add others or;
- to insert or add words
- as long as the effect of the amendments is not to negate the motion.

102. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

103. If an amendment is not carried, other amendments to the original motion may be moved.

104. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

105. After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### Alteration of motion

106. A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

107. A Councillor may alter a motion which he/she has moved without notice with

the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

108. Only alterations which could be made as an amendment may be made.

#### Withdrawal of motion

109. A Councillor may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### Right of reply

110. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

111. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

112. The mover of the amendment has no right of reply to the debate on his or her amendment.

#### Motions which may be moved during debate

113. When a motion is under debate, no other motion may be moved except the following procedural motions:

- to withdraw a motion
- to amend a motion
- to proceed to the next business
- that the question be now put
- to adjourn a debate
- to adjourn a meeting
- to exclude the public and press in accordance with the Access to Information Procedure Rules and
- not to hear further a member named under paragraph 144, or to exclude them from the meeting under paragraph 145.

#### Closure motions

114. A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:

- to proceed to the next business
- that the question be now put
- to adjourn a debate or

- to adjourn a meeting.

115. If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

116. If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

117. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### Point of order

118. A Councillor may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these council rules of procedure or the law. The Councillor must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

#### Personal explanation

119. A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

### ~~State of Wiltshire debate~~

#### ~~Calling of debate~~

~~The Leader will call a state of Wiltshire debate annually on a date and in a form to be agreed with the Chairman.~~

#### ~~Form of debate~~

~~The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of Wiltshire debate.~~

#### ~~Chairing of debate~~

~~The debate will be chaired by the Chairman of the Council.~~

#### ~~Results of debate~~

~~The results of the debate will be:~~

~~disseminated as widely as possible within the community and to~~

~~agencies and organisations in Wiltshire  
presented to the Overview and Scrutiny Management Committee meeting  
considered by the Leader in proposing the budget and policy framework to the  
council for the coming year.~~

## Previous decisions and motions

### Motion to rescind a previous decision

120. A motion or amendment to rescind a decision made at a meeting of council within the past six months cannot be moved unless the notice of motion is signed by at least 10 Councillors (or a quarter of the members of a committee).

### Motion similar to one previously rejected

121. A motion or amendment in similar terms to one that has been rejected at a meeting of council in the previous six months cannot be moved unless the notice of motion or amendment is signed by at least 10 members (or a quarter of the members of a committee). Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## Voting

### Majority

122. Unless this constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put (Local Government Act 1972, Schedule 12, paragraph 39(1)).

### Chairman's casting vote

123. If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote (Local Government Act 1972, Schedule 12, paragraph 39(2)).

### Show of hands Affirmation

124. Unless a ballot or recorded vote is ~~demanded taken~~ under paragraphs ~~128~~ 125 and ~~129~~126, the Chairman will take the vote by ~~show of hands, or if there is no dissent~~, by the affirmation of the meeting.

### Ballots

125. The vote will take place by ballot if 10 members (or a quarter of the members of a committee) present at the meeting demand it or at the Chairman's discretion. The Chairman will announce the numerical result of the ballot immediately the result is known.

### Recorded vote

126. With the exception of the following paragraph, if 10 Councillors (or a quarter of the members of a committee) present at the meeting demand it, the names for

and against the motion or amendment or abstaining from voting will be recorded in the minutes. A demand for a recorded vote will override a demand for a ballot.

127. Recorded votes shall be taken on all decisions in respect of setting the authority's budget and determining the level of council tax to be levied. The names for and against the motion or amendment or abstaining from voting on these matters will be recorded into the minutes.

#### Right to require individual vote to be recorded

128. Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting (Local Authorities (Standing Orders) Regulations 1993, Schedule 2, paragraph 1(1)).

#### Voting on appointments

129. If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### **Minutes**

#### Signing the minutes

130. The Chairman will sign the minutes of the proceedings at the next suitable meeting (Local Government Act 1972, Schedule 12, paragraph 41(1)). The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

#### No requirement to sign minutes of previous meeting at extraordinary meeting

131. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

#### Form of minutes

132. Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

#### Record of Attendance

133. All Councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance (Local Government Act 1972, Schedule 12,

paragraph 40).

### Exclusion of Public

134. Members of the public and press may be excluded only either in accordance with the Access to Information Rules in Part 5 of this constitution (Local Government Act 1972 s.100A and Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012 reg 4) (2)) or paragraph 147 (disturbance by public).

### Councillors' attendance

135. Subject to paragraph 139, if a member of the council fails throughout a period of six consecutive months from the date of his or her last attendance to attend any meeting of the council, he or she shall, unless the failure was due to some reason approved by the council before the expiry of that period, cease to be a member of the council (Local Government Act 1972 s.85(1)).

136. Attendance as a member at a meeting of any committee, sub-committee, area board, panel or working party of the council, or at a meeting or any joint committee, joint board or other body by whom for the time being any functions of the council are being discharged, or which was appointed to advise the council on any matter relating to the discharge of its functions and attendance as the council's representative on an outside body shall be deemed to be attendance (Local Government Act 1972 s.85(2)).

137. Any person (not being a member of the council) appointed by the council or a committee to serve on a committee, sub-committee or panel who is absent from all meetings of such committee, sub-committee or panel for a continuous period of six months except for some reason approved by the committee, sub-committee or panel before the expiry of that period shall at the end of that period cease to be a member of that committee, sub-committee or panel.

138. If a member of the cabinet fails throughout a period of six consecutive months from the date of his or her last attendance, to attend any meeting of the cabinet, he or she shall, unless the failure was due to some reason approved by the council before the expiry of that period, cease to be a member of the council (Local Government Act 1972 s.85(2A)).

### Standing to speak

139. When a Councillor speaks at Full Council he/she must stand and address the meeting through the Chairman. If more than one Councillor stands, the Chairman will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### Chairman standing

140. When the Chairman stands during a debate, any Councillor speaking at the time must stop and sit down. The meeting must be silent.

#### Councillor not to be heard further

141. If a Councillor persistently disregards the ruling of the Chairman by behaving improperly, or offensively, or deliberately obstructs business, the Chairman may move that the Councillor not be heard further. If seconded, the motion will be voted on without discussion.

#### Councillor to leave the meeting

142. If the Councillor continues to behave improperly after such a motion is carried, the Chairman may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

#### General disturbance

143. If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary (Public Bodies (Admission to Meetings) Act 1960 s.1(8)).

### **Disturbance by public**

#### Removal of member of the public

144. If a member of the public interrupts proceedings, or their behavior or attire is deemed by the Chairman to cause offence, the Chairman will warn the person concerned. If they continue to interrupt or continue to cause offence, the Chairman will order their removal from the meeting room (Local Government Act 1972 s.100A(8)) following consultation with the Monitoring Officer or their designated representative.

#### Clearance of part of meeting room

145. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared (Local Government Act 1972 s.100A(8)).

### **Suspension and amendment of Council procedure rules**

#### Suspension

146. All of these Council rules of procedure except paragraphs 131 and 133 may be suspended by motion on notice, or without notice, if at least one half of the whole number of members of the council are present. Suspension can be only for the duration of the meeting (Local Government Act 1972, Schedule 12, paragraph 42).

#### Amendment

147. Any motion to add to, vary or revoke these Council rules of procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council.





## Part 4C – Guidance on Amendments to Motions

1. The requirements concerning amendments to motions are contained in the Council's Rules of Procedure in Part 4 of the Constitution. Paragraph ~~107~~101 provides:

*An amendment to a motion must be relevant to the motion and will either be:*

- *to refer the matter to an appropriate body or individual for consideration or reconsideration*
- *to leave out words*
- *to leave out words and insert or add others or*
- *to insert or add words*

*as long as the effect of the amendment is not to negate the motion.*

2. The Chairman will determine the validity of any proposed amendment under this paragraph, after taking advice from the Monitoring Officer. The Chairman's decision on any proposed amendment is final.
3. In exercising judgment on the validity or otherwise of any proposed amendment, the Chairman will have regard to the following principles:
  - the overriding principle of fairness in the conduct of the Council's business;
  - the amendment is relevant to the motion;
  - the proposed amendment does not negate the motion; this can be secured more appropriately by voting against the original motion.
  - The content of the proposed amendment is proportionate to the original motion in nature and extent;
  - The proposed amendment does not amount to a device to frustrate the purpose of the original motion or to raise a late motion.
4. Councillors are encouraged, where practicable, to seek advice from the Monitoring Officer in connection with any proposed amendment in advance of the meeting at which it is to be moved.

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## Councillor-Officer Relations

### 1. Introduction

#### Context

1.1 Mutual trust and respect between councillors and officers is at the heart of the council's governance arrangements. An effective partnership between councillors, and officers is a key element of a successful and high performing council.

#### Purpose of Protocol

1.2 The purpose of this protocol is to:

- outline the essential elements of the relationship between councillors and officers;
- promote the highest standards of conduct;
- clarify roles and responsibilities;
- ensure consistency with the law, codes of conduct and the council's values and practices; and
- identify ways of dealing with concerns by councillors or officers.

1.3 This protocol is for the guidance and assistance of councillors and officers. Any queries about its content or application should be referred to the monitoring officer.

### 2. Principles

2.1 Councillors (including co-opted members) and officers shall observe this protocol at all times.

2.2 There shall be mutual courtesy and respect between councillors and officers with regard to their respective roles as set out below.

2.3 Councillors and officers shall each carry out their respective responsibilities in the best interests of the council.

2.4 The roles and responsibilities of councillors and officers are distinct yet complementary. Councillors are accountable to the electorate for the performance of the council's statutory functions. Officers are accountable to the council as a whole. Their job is to give advice to councillors (individually and collectively) and to carry out the council's work under the direction of the council.

2.5 This protocol supports the council's codes of conduct for councillors and officers. The council's Code of Conduct for Members of Wiltshire Council is set out in Part 13 of the constitution. The Human Resources Code of Conduct for Officers is set out in Part 16 of the constitution and forms part of an officer's contract of employment.

2.6 Breach of this protocol may result:

- in the case of a councillor / co-opted member, in a complaint under the Code of Conduct for Members;
- in disciplinary action in the case of an officer.

### **3. The role of councillors**

- 3.1 Councillors have a number of specific roles, which are set out in detail in Part 12 of the constitution - Roles and Responsibilities of Councillors
- 3.2 Collectively, councillors are the ultimate policy-makers, determining the core values of the council and approving the council's policy framework, strategic plans and budget.
- 3.3 Councillors represent the community and its constituents, act as community leaders and as the link between them and the council. This includes performing a key role as a member of their local area board.
- 3.4 Some councillors will have additional roles specific to their position as members of the cabinet, or overview and scrutiny or other committees of the council.
- 3.5 Some councillors may be appointed to represent the council on local, regional or national bodies- see further at section 13 below.
- 3.6 Councillors must respect the impartiality of officers.
- 3.7 Councillors must promote the highest standards of conduct and will have regard to the council's Behaviours Framework in carrying out their role.
- 3.8 Councillors act collectively as the employer of officers.
- 3.9 Councillors must seek the advice of the monitoring officer and the chief finance officer if they have any concerns about whether the council is acting outside its statutory powers, maladministration, financial impropriety and probity, or whether any decision is or is likely to be contrary to the budget and policy framework.

### **4. The role of officers**

- 4.1 Officers are employed by the council. They are therefore accountable to the council as a whole - not to individual councillors. There will, however, need to be special relationships between individual councillors and individual officers and these are dealt with specifically under section 6 of this protocol.
- 4.2 Officers are responsible for giving professional advice to members and for implementing lawful decisions of the council.
- 4.3 Officers must act impartially at all times and must not allow their professional judgement and advice to be influenced by their own personal views.
- 4.4 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for councillors, the media or other sections of the public.
- 4.5 Officers must act in accordance with the Human Resources Code of Conduct and the Council's Behaviours Framework.

### **5. Relationship between councillors and officers - general**

- 5.1 The relationship between councillors and officers should be characterised by mutual trust and respect.
- 5.2 Close personal familiarity between individual members and officers can harm professional relationships and prove embarrassing to other councillors and officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct, or the perception that a councillor and officer treat each other differently from others due to the nature of the personal relationship between them.

5.3 Councillors should not raise matters relating to the conduct or capability of officers either individually or collectively at meetings held in public or in the press. Officers have no means of responding to criticism like this in public. If councillors feel that they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an officer they should raise the matter with the ~~service director~~relevant director concerned if they are unable to resolve it through direct discussion with the officer – see further at section 15 below.

5.4 Councillors will not publish any material which is derogatory of officers generally, or specific individuals, whether directly or through their agents or political groups.

5.5 What can councillors expect from officers?

- a commitment to the council as a whole and not to individual political groups;
- a working partnership;
- a timely response to enquiries and complaints – see Appendix 1
- objective, professional advice not influenced by political views or preference;
- integrity, support and confidentiality appropriate to the situation;
- being kept up to date on local issues;
- compliance with the Human Resources Code of Conduct.

5.6 What can officers expect from councillors?

- political leadership and direction;
- a working partnership;
- compliance with the Code of Conduct for Members;
- distance from day to day management of the council;
- no improper influence or pressure to gain special treatment for themselves or others;
- recognition of the duty to promote the health, safety and well-being of officers.

## 6. Relationship between councillors and officers - specific

6.1 Special relationships will exist between certain councillors and officers because of their specific roles. These relationships nevertheless remain subject to the obligations set down in this protocol.

6.2 Members of the cabinet and the corporate leadership team will have a distinct and special relationship. In particular the relationship between the leader and the corporate directors will be key to the success and culture of the council.

6.3 Officers and councillors must ensure that appropriate consultations are undertaken before reports are prepared for decision, either by cabinet or by individual cabinet members under delegated powers.

6.4 Within overview and scrutiny there are two aspects of relationship between councillors and officers:

- the relationship between councillors and officers who support the overview and scrutiny function. Councillors lead the scrutiny function. Officers brief scrutiny members, but the decision to pursue any particular issue rests with councillors.
- officers who are asked to attend scrutiny committees or task groups as a witness or special adviser should be treated with respect. They may be expected to answer questions on the professional advice given to the full council or cabinet in relation to

policies and decisions but must not be expected to give a political view. The arrangements for attendance of cabinet members and senior officers at overview and scrutiny meetings to give account are contained in the overview and scrutiny procedure rules in Part 8 of the constitution.

6.5 Officers may also be asked to speak at a meeting of an area board. Partner organisations such as the police, health and , fire, are also likely to be asked about the provision of local services. In the spirit of partnership working it is important that both officers and the representatives of partner organisations are treated with respect, and from a community perspective it is important that the relationship between councillors, officers and partners is seen to be constructive, with everybody working together and in the same direction.

## 7. General support to councillors

### 7.1

Appendix 1 summarises the support and facilities provided for councillors at Wiltshire Council and in their constituencies.

## 8. Support to specific councillors

8.1 To recognise the full-time nature of the role of leader and cabinet members, PA support will be provided, to include diary management and research support in connection with cabinet business.

8.2 PA support will also be provided to the chairman and vice-chairman of the council in recognition of their civic responsibilities.

## 9. Support to political groups

9.1 Political groups may request private and confidential briefings on matters of policy and factual evidence which are or may become the subject of discussions by the full council or cabinet or any committee.

9.2 The request should be submitted to the corporate director designated as the liaison officer for the political groups, who will discuss it with the appropriate officer. Attendance must be authorised by a corporate director. ~~If authorised the leaders of all political groups should be notified and a similar briefing offered.~~

9.3 The briefing should not extend beyond providing information and advice.

9.4 For the avoidance of doubt group meetings cannot make decisions on behalf of the council and it is essential that they are not acted upon as such. Nor does such a briefing negate the need to ensure that all necessary advice and information is provided to the decision-making body when the matter is formally considered.

9.5 Requests for briefings may be declined where these are to take place in premises which are not owned or controlled by the council or where persons who are not members of the council will be present.

9.6 Accommodation for use by political groups will be provided together with reasonable photocopying, postage and ICT facilities. Such use must be in connection with council business.

## 10. Members' access to information

10.1 This part of the protocol should be read in conjunction with the access to information procedure rules in Part 5 of the constitution and any guidance issued by the monitoring officer.

10.2 Councillors are entitled to see copies of any agenda for meetings of the cabinet, and of committees of which they are not appointed members. Councillors' rights to information are subject to legal rules and, if members have a legitimate interest in a matter in their role as a member of the council, officers should provide the relevant information (including confidential information) to them.

10.3 Councillors should seek advice from the monitoring officer in circumstances where they wish to inspect any document or have access to information about a matter:

- in which they may have an interest; or
- where to do so would be in breach of the Data Protection Act 1998;

10.4 If councillors are not receiving, or are having difficulty in obtaining, information which they feel they need or to which they are entitled to carry out their duties as councillors they should contact the monitoring officer for advice.

10.5 Information given to a councillor must only be used for the purpose for which it was requested. Councillors and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so. A councillor must seek the advice of the monitoring officer before disclosing information given in confidence.,

10.6 Councillors will be informed of local issues in accordance with Protocol 1 of the ——— constitution – Briefing and Information for Local Members. When councillors are kept informed on local issues, they are far better equipped to be proactive in handling local issues and in responding to individuals or interest groups on a particular matter. It is the responsibility of each head of service to ensure that all relevant staff are aware of the requirement to keep local councillors informed and that the timing of such information allows members to respond appropriately and contribute to relevant decisions. Local members must also be kept informed about matters affecting their division during the formative stages of policy development, about matters considered by committees of the Council and about any significant operational matters within local Divisions as soon as realistically practical.

10.7 All officers will have regard to the area boards and delegated decisions checklist to ensure local councillors and area boards are involved in decisions on local services. The cabinet paper checklist also includes consultation with local councillors. In ensuring councillors are kept appropriately informed officers should also be mindful of Part 3 of the constitution which covers the scheme of delegation; Part 5 which covers the access to information procedure rules and the Media Relations Protocol. Awareness of this requirement will be supported through relevant training and guidance for officers

Appendix 2 provides a guide on the information that should be provided to councillors and how this information will be communicated.

## 11. Media relations

11.1 Councillors are referred to the Wiltshire Council Media Relations Protocol at Protocol 7 of the constitution.

## 12. Use of council resources

12.1 Councillors and officers must comply with the council's policies and requirements concerning the use of its resources, including in particular its E-mail, Internet and Computer Use Policy.

12.2 Councillors must not use the council's resources improperly for political purposes (including party political purposes) and shall have regard to the local authority code of recommended practice on publicity annexed to the Media Relations Protocol . Councillors should seek advice from the monitoring officer where clarification is necessary.

## 13. Representation on external organisations

13.1 Councillors are referred to Protocol 3 – Guidance to Councillors on Outside Bodies.

13.2 A councillor appointed to represent the council on an external organisation shall take care to establish the legal status of the appointment and the potential liabilities that may be involved before confirming acceptance. Councillors should seek the advice of the monitoring officer if they have any concerns or are unclear about the nature of such appointments.

13.2 Councillors appointed to represent the council on external organisations shall establish relevant council policy on issues arising in those bodies and shall act in accordance with that policy when engaged in discussions and decision-making.

13.3 Where a councillor acts as a representative of the council on another body, the councillor must comply with the council's Code of Conduct for Members.,

## 14. Access to premises

14.1 If councillors wish to visit council establishments, other than the main area hub offices, they should contact the relevant director or head of the establishment in advance to make the necessary arrangements.

## 15. How to resolve issues

15.1 Councillors and officers are encouraged to work together and seek to resolve any differences informally, by discussing any concerns at the earliest opportunity.

15.2 If a councillor feels that they have not been treated with proper respect, courtesy or they have any concern about the conduct or capability of an officer, or that an officer has acted in breach of this protocol, they may raise the matter with the individual's ~~service director~~relevant director. If the matter cannot be resolved informally, any such referral will be processed in accordance with the council's employment procedures and policies. The councillor and the officer will be kept informed of progress with the complaint and the action to be taken. An individual councillor does not have the power to discipline any officer.

15.3 If an officer feels that a councillor has acted in breach of this protocol, they should raise the matter with their ~~service director~~relevant director. The ~~service~~



~~director~~relevant director should

discuss the matter informally with the councillor. If the matter is not resolved the officer may refer the issue to the monitoring officer and the corporate director designated as the liaison officer for political groups for consideration and discussion with the appropriate group leader. The officer and councillor will be kept informed throughout.

15.4 In relation to the process in paragraph 15.3 above regard should be had to paragraph 3.1 of the council's arrangements for dealing with complaints under the code of conduct, which requires any complaint to be made within 20 working days of the date on which the complainant became aware of the matter giving rise to the complaint.

15.4 The use of mediation may be considered at any stage as a means of resolving the matter informally.

15.5 If the matter cannot be resolved informally the officer may bring a complaint against the councillor under the Members' Code of Conduct.

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### Councillor – Officer Relations Support and Facilities Provided for Councillors

#### Principles

The support to be provided to councillors must be subject to the following caveats:

- Officers are employed by the council and are responsible to the council as a whole
- Officers cannot be required and must not undertake work of a political nature
- Officers must respect the confidentiality of some information that they may be exposed to

#### Supporting councillors centrally

The Democratic Services team can offer/facilitate support in the following areas:

##### A. ICT

ICT training will be given as part of the induction programme and following on from that equipment will be issued. This equipment will include a lap top and docking station, the option of a printer and other essentials. A broadband connection, or a monthly allowance to provide the same, will be provided together with the means to gain secure remote access to the Council's Network.

##### B. Councillor development

Following the councillor induction programme a detailed councillor development programme will be implemented. Councillors will be offered a personal development discussion which will enable them to discuss their training needs and find out about what training and development is available.

##### C. Allowances

All councillors are entitled to a basic allowance to cover the costs of being a councillor. Expenses can also be claimed for travel and subsistence. Details of allowances and expenses are set out in the Members Allowances scheme within [Part 14 of the Constitution](#).

##### D. Secretariat and information

- Keeping councillors up-to-date with diary changes
- Booking onto any sessions from the Councillor Development Programme
- All councillors' conference arrangements including booking of places, hotel reservations, train tickets and arrangements for other transport.
- Providing 'Councillor Websites'
- Monitoring and maintaining individual Councillors' registered interests on the council's web-site.
- Councillors' briefings with key information and details of delegated decisions, links to minutes and agenda for forthcoming meetings
- A councillor's intranet page with links to committee dates, planning applications, highways works or training opportunities.

Councillors will also be provided with:

- an identity badge
- a pass card to gain entry to the main offices
- a general retiring lounge known as 'the members' room' (~~arrangements to be finalised~~  
~~— as part of the transformation programme~~)
- reasonable stationery requirements, including letterheads, business cards, envelopes, and pre-paid reply envelopes for correspondence with council departments
- car parking whilst attending official meetings. ~~— arrangements under~~  
~~— review.~~

E. Accommodation

Each political group will have a group room and access to a docking station for a laptop, printer, telephone and photocopying facilities for use in connection with council business.

There will also be specific accommodation provided for the leader, the cabinet, ~~—~~  
~~scrutiny members~~ and the chairman of the council.

F. Political group support

No dedicated support is provided to group leaders but photocopying can be provided in connection with group business at an agreed cost and correspondence/communications can be sent with official council communications.

G. Briefings/seminars

A detailed list of forthcoming seminars will be maintained.

H. Response to Councillor

enquiries e-mails and  
telephone calls

- will be acknowledged within two working days of receipt, giving details of an alternative contact if the officer concerned is absent from the office
- a substantive response will be provided within ~~seven~~ ten working days of receipt. If that is not possible an explanation will be given as to the reason for the delay, what action is being taken, and when a response will be sent.

Supporting Councillors locally

The democratic services staff based in ~~the office hubs~~ Trowbridge will, subject to resources being available, support councillors in their community leadership roles. This could include:-

- Assisting councillors in providing a two-way link between the council and the community
- Supporting the representational role of councillors
- Arranging for office facilities to be made available

Councillors will arrange any surgeries they wish to hold for their constituents, using libraries and area hub offices where appropriate

## APPENDIX 2 TO PROTOCOL 1

### Guide to Information Provision for Councillors

All councillors fulfil many roles:

- championing their area by representing their constituents;
- enabling public involvement and providing community leadership;
- contributing to decision making processes;
- creating effective partnerships and working with them to build strong and cohesive communities;
- fulfilling responsibilities as a “corporate parent” for children and young people in the care of the local authority; and
- representing the council externally.

It is widely recognised that when councillors are kept informed on local issues, they are far better equipped to be proactive in handling local issues and in responding to individuals or interest groups on a particular matter.

### Information available to all councillors

A wide range of information is readily available to all councillors through the following sources, including:

- Members Elected wire – regular email
- Councillor briefing notes sent out on specific issues
- Email notification of agenda and delegated decisions
- Electronic subscription services for all council papers
- Electronic subscription services for all council press releases
- Parish council newsletter
- Community Area Joint Strategic Assessments providing facts and figures on the local area

The Access to Information Protocol covers other information provision that can be made available on request so that councillors have the information they need to know to fulfil their roles. Where councillors seek additional statistics on their local area they should have a discussion with the council's research team.

### Matters relating to electoral division(s)

Officers should ensure councillors are informed as appropriate on matters relating to their local division. This includes representations on local issues where it appears the councillor has not already been informed, such as speed restrictions; school admissions; petitions and Local Government Ombudsman cases.

Officers should refer to the area boards and delegated decisions checklist to ensure local councillors and area boards are involved in decisions on local services. Consultation of local councillors when relevant also forms part of the checklist for cabinet papers.

Where planning initiatives or informed of changes to service provision by partners, which relate to one or a small number of electoral divisions, officers should inform the local division councillor. This includes circumstances such as:

- Forthcoming local consultations to be carried out by the council;
- Localised issues that may be identified to be subject to scrutiny or review;
- Sale of land and/or property owned by the council;
- Planned demolition of property, extension or renovation;
- Enforcement action: such as action taken by trading standards;
- Schools being put into special measures;
- Awards gained by services or facilities that are specific to a local area;
- Research or statistics on the electoral division.

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In most cases an email is an appropriate form of communication, however in other circumstances officers should give consideration to other forms of briefing - such as face to face, online or over the phone.

Officers should rapidly alert local councillors to urgent issues affecting local services or facilities, such as unplanned work to public buildings or roads that has not been previously programmed and notified (in such cases a phone call may be more appropriate than other forms of communication such as email). Similarly, the council may be notified at short notice by partner agencies on changes to services (such as a temporary reduction in police staffing) or on the work of statutory undertakers. It is important to inform local councillors of any changes affecting their electoral division in particular as soon as realistically possible.

Heads of service should ensure that all their members of staff are aware of the requirements within this guidance. Any particular cases of difficulty or uncertainty arising under this guidance should be raised with the Monitoring Officer who will advise how to proceed.

## Extract of Part 2 of the Constitution

### 3. Article 3 – Members of the public and the council

#### 3.1 Rights of members of the public

Members of the public have the following rights. They have further rights relating to access to information details of which appear in the access to information rules in Part 5 of this constitution.

##### Voting and petitions

Residents on the electoral roll for the area have the right to vote and sign a petition to request a referendum for a mayoral form of governance for Wiltshire Council.

Citizens can petition the council to take specified action(s). Such petitions will be dealt with under the council's Petitions Scheme, which is set out in Part 4 of the constitution.

##### Information

Members of the public have the right to:

- contact the council by telephone, post, email, fax or in person. An acknowledgement will be sent within 2 working days, and a full response to all written correspondence within 15 working days from the day your correspondence is received. Where legislation dictates otherwise, e.g. Freedom of Information, different timescales may apply.
- contact their local councillor about any matters of concern to them
- view the register of councillors' interests
- obtain a copy of the constitution on payment of a fee or access it on-line or at local libraries
- attend meetings of the council and its committees except where confidential or exempt information is likely to be disclosed
- attend meetings of the cabinet when key decisions are being considered except where confidential or exempt information is likely to be disclosed
- find out from the forward plan what key decisions will be taken by the cabinet and when
- see reports and background papers, and any records of decisions made by the council and the cabinet, except where a document contains confidential and/or exempt information
- inspect the council's accounts and make their views known to the external auditor

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## MEDIA RELATIONS

### 1. Introduction

- 1.1 This protocol will operate along with the Member and Officers' Codes of Conduct, and applies explicitly whenever an individual is acting on behalf of the council.
- 1.2 The provisions of the Local Government Act 1972, the Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity 2011 (the Code of Publicity), annexed at Appendix A, govern this protocol. All media and communications work done by the council will comply with these Acts and the Code of Publicity.
- 1.3 The council's approach is based on the key principles set out in the Code, that publicity should:
  - be lawful
  - be cost effective
  - be objective
  - be even-handed
  - be appropriate
  - have regard to equality and diversity
  - be issued with care during periods of heightened sensitivity

A key paragraph of the Code is Paragraph 16, "Any publicity describing the council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy...."

### 2. Role of the Communications Team

- 2.1 The communications team's key role is to manage and protect the reputation of the council. The team adopts an open and transparent approach to all communication, acknowledging confidentiality and sensitivity. The team provides objective, professional advice to the whole council, including supporting and advising the cabinet and the scrutiny functions. The team is non party political.

Key areas of focus include;

- Communicating and promoting corporate policy and areas of activity in consultation with the leader of the council, cabinet, the relevant Corporate Director and other senior officers. This is likely to include media releases, briefings, publications, events and other communications;

- Communicating and promoting the corporate priorities and the business plan in consultation with the leader of the council, cabinet members, and the corporate leadership team;
- Communicating and promoting agreed service activities in consultation with the leader of the council, cabinet members, and the corporate leadership team;
- Communicate, where appropriate, the role of scrutiny and their recommendations relating to council priorities or services;
- Promote the valuable democratic role of elected members, as appropriate.

### 3. Political Groups

3.1 The communications team will provide information on request to the political groups within the constitution of the council. It will provide professional non-party political advice to members on request within the bounds of the Code of Publicity.

3.2 Political groups will be responsible for issuing their own information and party political media releases. Although this is a legitimate part of the democratic process - it is not appropriate to use council resources.

3.3 When speaking or issuing information to the media, members should make clear whether they are speaking:

- officially on behalf of Wiltshire Council (if this is the case the communications team should be kept informed and updated);
- officially on behalf of their particular political group, stating the name of that group; or
- personally as a local divisional councillor or as a Wiltshire Council councillor, when discussing wider issues.

### 4. Council Meetings

4.7 The communications team will;

- Issue factual information before meetings, as appropriate, in order to highlight key issues and to explain council policies and services, as agreed by the leader and ~~and~~ relevant Corporate Director.
- Issue press releases and, if appropriate, photographs to update and inform decisions made at council meetings. These may include quotes from the leader of the council, the appropriate cabinet member, or another member – such as the chair of a meeting (such as area boards) - as agreed by the leader and relevant Corporate Director;
- Respond to all media enquiries before and after the meeting, providing an objective, factual explanation of the issues to promote understanding and awareness of council policies and services in consultation with the leader

and relevant Corporate Director. This will include facilitating interviews and photo opportunities, as appropriate;

- Refer all requests for political comment on council policies and decision to the relevant group leader.

## 5. Cabinet

### 5.1 The communications team will:

- Co-ordinate regular cabinet media briefings and other briefings to present papers to the media and give an opportunity for questions and answers, as appropriate;
- Notify group leaders of media briefings and what will be covered;
- Issue media releases pre and post meetings regarding issues for discussion and decisions. These may include quotes from the leader of the council, the appropriate cabinet member, as agreed by the leader and corporate leadership team;
- Respond to any media enquiries either pre or post the meeting - providing factual information. Where council policy is in question, the information will be coordinated in consultation with the appropriate officer and cabinet member in conjunction with the leader;
- Refer all requests for political comments to the appropriate group leader.

## 6. Scrutiny

### 6.1 The communications team will support the scrutiny function by:

- Issuing factual information, as appropriate, at the request of the chairman and vice-chairman of a select committee and agreed by both, regarding the focus and outcome of the meeting and reflecting the majority view of the committee;
- Responding to any media enquiries pre or post the meeting by providing a factual explanation of the issue. Where a matter of policy is in question, the team will also consult with the appropriate officer and cabinet member;
- Refer all requests for political comments to the appropriate group leader.

## 7. Area Boards

### 7.1 The communications team will in consultation with the relevant Community Area Manager;

- Issue factual information before meetings, as appropriate, in order to highlight key issues as agreed with the Chairman of an Area Board and encourage public engagement and attendance;
- Issue press releases and, if appropriate, photographs to update and inform decisions made at Area Board meetings. These may include quotes from

the chairman of an Area Board, appropriate cabinet member, or other appropriate member;

- Respond to all media enquiries before and after meetings, providing an objective, factual explanation of the issues to promote understanding and awareness of the business of an Area Board in consultation with the Chairman of an Area Board. This will include facilitating interviews and photo opportunities, as appropriate;
- Provide information as requested on the overall operation of Area Boards and on matters considered by an Area Board which have wider geographical implications following consultation with the Leader and corporate leadership team.
- Refer all requests for political comment on decisions made by Area Boards to the relevant group leader.

## 8. General Media Enquiries

- 8.1 (a) The communications team will manage all media enquiries and provide factual, objective information on the policies and decisions of the council in consultation with the leader of the council, the relevant member of the cabinet or other members, as appropriate, or the relevant senior officer.
- (b) Any requests for political comments will be referred to the appropriate group leader.

## 9. Press Relations

- 9.1 The communications team will adopt a proactive approach, wherever possible, to provide information and explain policy decisions. The appropriate cabinet member, portfolio holder or senior officer may be requested to speak to the media about such decisions.
- 9.2 Occasionally issues come to the notice of the media which involve staff or members and aspects of their private lives or employment contracts. It is not the council's policy to comment upon such issues and, as such, responses will be factual but respectful of the confidentiality of such issues and the individual's rights under data protection legislation.
- 9.3 All press releases will be written and issued by the communications team in conjunction with members and/or the relevant officers. Links to media releases will be emailed to all members and copies of full media releases will be circulated to the relevant members. Contact details of the relevant Cabinet Member/Portfolio Holder will be included on all press releases, along with those of the nominated representatives of the opposition groups.
- 9.4 ~~Audio and video recording and the taking of photographs are not permitted during any meeting of the Cabinet, Council or their committees without the prior consent of the chairman of the meeting, although these are welcomed in principle where appropriate.~~

**Comment [I]:** See section 10 reflecting the new rules introduced by the Openness of Local Government Bodies Regulations 2014

## 10 Recording and Webcasting of Meetings

10.1 The council is committed to being open and transparent in the way it conducts its business. The press and members of the public are therefore welcome to film, photograph or record at any meeting that is open to the public and to use social media. The Council has also decided that some public meetings such as Cabinet and Full Council should be the subject of live web transmission ('webcasting'), or recorded for subsequent transmission.

10.2 Guidance on this subject is included at Appendix 1.

## 11. Use of Social Media

11.1 The council welcomes the use of social media to help the council to communicate effectively with the public; to consult and engage; and to be more transparent and accountable. Equally the council recognises the need to be aware of the responsibilities that come with the use of social media, and to ensure that the highest level of propriety is maintained.

11.2 Guidance on the use of social media on behalf of the council is contained in the council's social media and blogging policy, which may be found on the council's intranet at:

[http://www.wiltshire.gov.uk/council/howthecouncilworks/plansstrategiespolicies/socialmediapolicy.htm#Social\\_media\\_policy\\_etiquette-Anchor](http://www.wiltshire.gov.uk/council/howthecouncilworks/plansstrategiespolicies/socialmediapolicy.htm#Social_media_policy_etiquette-Anchor)

11.3. Guidance for councillors on the personal use of social media may be found on the council's intranet at:

*[Draft guidance in preparation]*

## 130. Embargoes

130.1 Wherever possible the communications team will avoid embargoed information. On the rare occasion where information is embargoed then agreement will be sought from group leaders on how the information is managed and shared with members.

130.2 If an embargo is unavoidable, it is proposed that agreement is sought from media representatives ahead of the release of the embargoed information regarding its publication.

## 141. Contacts and Emergency Out of Hours

141.1 The communications mobile number (07747007340) is always available for the media out of hours. The designated media relations officer will determine

**Comment [I]:** Deleted 'such as Twitter, Facebook and blogs' as requested by the CFG

**Comment [I]:** Deleted 'such as Twitter and Facebook' as requested by the CFG

whether an immediate response is required, contacting the relevant officer(s) or members as necessary.

141.2 Wiltshire Council has a key role to play in the Emergency Plan for Wiltshire. Arrangements are in place to ensure effective cooperation with the other agencies involved. A media relations officer from one or more of the agencies will be nominated to deal with media enquiries. During an emergency, clear guidance on the identity of media contacts will be issued to officers and members.

## Appendix 1

### Guidance on the recording and webcasting of meetings

1. Wiltshire Council is committed to being open and transparent in the way it conducts its business. The press and members of the public are therefore welcome to film, photograph or record at any meeting that is open to the public and to use social media such as Twitter, Facebook and blogs. The Council has also decided that some public meetings such as Cabinet and Full Council should be the subject of live web transmission ('webcasting'), or recorded for subsequent transmission.
2. This guidance aims to assist the conduct of webcast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. It also provides practical information to assist anyone considering recording meetings and anyone speaking at meetings which may be recorded.

#### General

3. A notice will be included on the agenda and also be displayed on the door and inside the meeting room advising everyone who attends that the meeting may be webcast or recorded and that by attending the meeting they are consenting to the broadcast of their image.
4. The Chairman will make an announcement to attendees at the start of the meeting informing attendees that the meeting may be webcast or recorded. Anyone who remains at the meeting after the Chairman's announcement will be deemed to have consented to the broadcast of their image.
5. [The chairman may suspend or terminate the webcast or recording if, after consulting the Monitoring Officer or their designated representative, he or she deems it necessary to ensure the proper conduct of the meeting and, in particular, safeguard the interests of vulnerable persons.]
6. Recording must be non intrusive and the Chairman may order the removal of a member of the public from a meeting should that person, having been warned, continue to interrupt proceedings. The Chairman may also call for any part of the meeting room to be cleared in the event of a general disturbance.  
  
[see Paragraphs 146 and 147 of Part 4 of the Constitution – Disturbance by Public]
7. Any person or organisation choosing to record or broadcast any meeting is responsible for any claims or other liability arising from them so doing and by choosing to record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

**Comment [1]:** As requested by CFG deleted 'and that the Chairman may terminate or suspend the webcast or recording should the Chairman consider this desirable to maintain the proper running of the meeting' –see further at new paragraph 5.

**Comment [1]:** New provision inserted as requested by CFG

### **Before the Meeting**

8. Anyone intending to record a meeting is advised to contact the Communications Team on 01225 713116 for advice and guidance. Reasonable advance notice will enable practical arrangements to be made and any special requirements to be discussed.
9. Flash photography, additional lighting or large equipment will not be permitted, unless agreed in advance and it can be accommodated without causing disruption to the proceedings. Requests to use equipment of this nature will be subject to consideration of the constraints of the meeting rooms.

### **During the Meeting**

#### 10. Recording of meetings should:

- not interfere with the effective conduct of the meeting, nor should it be disruptive or distracting. The Chairman has discretion to suspend or stop recording at any time and to take appropriate action if the Chairman, after taking advice from the Monitoring Officer or their designated representative, considers that they are doing so in a disruptive manner.
- not seek to 'overview' sensitive information such as close ups of confidential papers or private notes.
- not obstruct others from observing and participating in the proceedings.
- cease immediately if and when the meeting agrees to formally exclude the press and public due to business of an exempt or confidential nature.
- not be edited in a way that could lead to misinterpretation of the proceedings or the comments made, or that ridicules those being recorded.
- when published or broadcast, recordings should be accompanied by information including when and where the recording was made and the context in which the discussion took place.
- be overt (i.e. clearly visible to anyone at the meeting).
- cease, unless continued recording has been explicitly agreed by the Chairman, when the meeting is formally concluded.

11. It should be noted that councillors will be accessing their meeting documentation ie agenda and reports electronically.

### **Exempt or confidential business**

12. No part of any meeting will be webcast after members have passed a resolution excluding the press and public because there is likely to be disclosure of exempt or confidential information. The Democratic Services officer will ensure that recording of the meeting has ceased and will confirm this to the Chairman before any discussion of exempt or confidential matters is commenced.

**Comment [1]:** Inserted to replace 'should' as requested by CFG

**Comment [1]:** Replaces 'anyone is, in their opinion' in line with CFG comments



## Practical advice

### Speaking at a meeting

13. Firstly and most importantly remember to speak into the microphone each time to ensure that your words can be clearly heard.
14. Try to avoid moving unduly whilst speaking and using expansive hand gestures; because the video stream is highly compressed all movement causes temporary pixilation and leads to a diminution of picture quality. In addition the camera operator will struggle to keep a moving person in shot. For the same reason if giving a presentation please try to stand in the same area rather than walking around the room.
15. When other people near you are speaking please bear in mind that you may still be on camera. Bear in mind that even when there is no audience in the room members of the public are nonetheless watching the meeting.

### Microphone noise

16. Microphone noise is an artificial sound that is introduced when an object touches the microphone; speakers should not tap pencils and rings against microphones or touch the cable. When speaking, do not place objects in-between yourself and the microphone as this may distort what you are saying.

### Clothing

17. It is advisable to avoid bright colours which tend to cause exposure problems when webcast. Stripes and checked clothes are best avoided as they can cause a strobe effect when webcast, especially when the subject is moving.

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# Wiltshire Council

## Social media guidance for councillors.

### Introduction

Social media is the term used for online tools, websites and interactive media that enable users to interact with each other by sharing information, opinions, knowledge and interests. This guidance covers social media issues over the internet and by email, smart phones, social networking sites, blogging, and tweeting.

Social media increases our access to audiences and improves the accessibility of our communication. It enables us to be more active in our relationships with citizens, partners and stakeholders and encourages people to be involved in local decision making, enabling better engagement and feedback, ultimately helping to improve the services we provide.

For the purposes of this guidance, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, MySpace, Flickr, YouTube, LinkedIn, blogs, discussion forums, wikis and any sites which may emerge after the creation of this guidance.

Wiltshire Council acknowledges social media as a useful tool however, clear guidelines are needed for the use of social media sites to ensure they are used effectively as part of a wider communications mix and that their use does not expose the council to security risks, ~~reputational damage~~ or breach the Data Protection Act.

### Purpose

This guidance applies to councillors in respect of their personal use of social media. It sets out how to use social media, how to effectively manage social media usage and indicates how any risks or pitfalls can be minimised or mitigated. The following risks have been identified with social media use (this is not an exhaustive list):

- Virus or other malware (malicious software) infection from infected sites.
- Disclosure of confidential information.
- ~~Damage to the council's reputation.~~
- Social engineering attacks (also known as 'phishing').
- Discrimination, bullying, harassment or witch-hunting.
- Civil or criminal action relating to breaches of legislation.

- Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.
- Breach of the Wiltshire Council Members Code of Conduct through inappropriate use.

In light of these risks, the use of social media sites should be regulated to ensure that such use does not damage the council's, its employees, ~~councillors,~~ partners and the people it serves. As such this guidance aims to ensure:

- Council information and computer systems/networks remain secure and are not compromised through the use of social media.
- Users operate within existing policies, guidelines and relevant legislation.
- ~~The council's reputation is not damaged or adversely affected.~~

Councillors must ensure that they use social media sensibly and responsibly and that their use will not adversely affect the council or its business, ~~nor be damaging to the council's reputation and credibility.~~

## Responsibilities of councillors

You are personally responsible for the content you publish on any form of social media, in the same way that you are responsible for letters or emails you send.

Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a libel action.

Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.

Make use of stringent privacy settings if you don't want your social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure you understand their confidentiality/privacy settings.

Do not disclose personal details such as home addresses and telephone numbers. Ensure that you handle any personal or sensitive information in line with the council's Data Protection Policy Statement.

Safeguarding issues are paramount because social media sites are often misused by offenders. Everyone has a responsibility for protecting and safeguarding children and adults who may be vulnerable. If you have concerns that a child or adult is suffering or is likely to suffer from any form of maltreatment (whether financial, physical, sexual, emotional or neglect) this should be reported in the following ways:

- (a) if a child or vulnerable adult is in immediate danger or left alone, contact the police or call an ambulance on 999;
- (b) in all other cases involving children, referrals should be made to Wiltshire social care services via the Council's 'Multi-Agency Safeguarding Hub' (MASH) on 0300 456 0108 (or out of hours via the 'Emergency Duty Service' on 0845 607 0888);
  
- (c) in all other cases involving adults, referrals should be made to the Council's customer advisers on 0300 456 0111 (or out of hours via the 'Emergency Duty Service'), e-mail [customeradvisors@wiltshire.gov.uk](mailto:customeradvisors@wiltshire.gov.uk).

Do not publish or report on meetings which are private or internal (where no members of the public are present or it is of a confidential nature) or are Part 2 reports (which contain confidential information or matters which are exempt under the provision of the Local Government (Access to Information) Act 1985).

Copyright laws still apply online. Placing images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission from the copyright holder in advance.

Don't send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors or officers either in or outside the work environment.

The council will not promote councillors' social media accounts during the pre-election period.

In any biography, the account should state the views are those of the councillor in question and may not represent the views of the council.

Do not use the council's logo, or any other council related material on a personal account or website.

Social media must not be used for actions that would put councillors in breach of the Wiltshire Council Members Code of Conduct For example, don't publish on social media something you wouldn't say face to face, or at a public meeting.

Be aware of your own safety when placing information on the internet and do not publish information which could leave you vulnerable.

Anyone receiving threats, abuse or harassment via their use of social media should report it to their political group leader, Democratic Services and/or the police.

It is recommended that in the case of Facebook, councillors wishing to keep their personal life and role as a councillor separate create a Facebook page which members of the public can like rather than using their personal profiles.

## Conduct

Councillors are reminded that in respect of social media, they are governed by the Wiltshire Council Members Code of Conduct and relevant law.

This guidance is not exhaustive and if you have any queries you should contact the monitoring officer.

Breaches of this guidance may amount to a breach of the Wiltshire Council Members Code of Conduct. Other violations of this guidance, such as breaching the Data Protection Act, could lead to fines being issued and possible criminal or civil action being taken against the council or the individual(s) involved.

The council reserves the right to request the removal of any content that is deemed to be in breach of the Wiltshire Council Members Code of Conduct.

## Principles for using social media

You should follow these five guiding principles for any social media activities:

**Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people’s confidentiality – do not disclose non-public information or the personal information of others.

**Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.

**Be honest about who you are** – it’s important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role.

**Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you can’t. Respond to questions and comments in a timely manner..

**Be confident** – don’t be scared of participating. Follow [this advice](#) and seek further guidance if you need it. If you’re about to publish something that makes you even the slightest bit uncomfortable, pause to think about it. Feel confident in what you say before you say it – and say it as clearly as you can.

## Guidance on capturing social media posts

Posts made using third party sites such as Facebook or Twitter are not held or within the control of the council - posts can be deleted by site administrators without knowledge or consent of the council. In exceptional circumstances, copies of posts may be made and retained by the council, (e.g. as evidence of inappropriate posts) in line with relevant council procedures, (depending on the nature of the allegation). These copies will be held for a period dependent on the type of investigation they are subject to, (e.g. disciplinary, audit, criminal, etc).

Where inappropriate use is suspected, it is suggested that you should pro-actively attempt to capture any inappropriate posts (before they might be deleted). Copies should be made (press, 'alt+Prt Scrn,' and copy into MS Word) and reported to both the relevant authority within the council as well as following the social media sites own reporting procedures where appropriate. Please note that this is just one means of gathering evidence of inappropriate use; it does not preclude the gathering of other types of evidence, e.g. witness statements.

### **Relationship with other council information**

This guidance should be read in conjunction with:

- Wiltshire Council Constitution Protocol 7 – Media Relations
- Information Security Social Media and Blogging Policy
- Information Security Policy
- Members Code of Conduct
- Data Protection Policy Statement
- Information Assurance Acceptable Usage Policy for email, internet and computer use

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# Monitoring Officer Protocol

### 1. The monitoring officer will receive:

- 1.1. Advance notice of Corporate Leadership Team meetings, copies of all agenda and reports.
- 1.2. Advance notice of meetings whether formal or informal between corporate and ~~service-associate~~ directors and members of the cabinet or committee chairmen where any procedural, vires or other constitutional issues are likely to arise.
- 1.3. Advance notice of all emerging issues of concern including legality, probity, vires and constitutional issues.
- 1.4. Copies of all reports to members.

### 2. The monitoring officer has the right:

- 2.1. To attend and speak at any Corporate Leadership Team meetings.
- 2.2. To call for any relevant information whether confidential or otherwise and to give that information as appropriate to any body including ~~the Standards Board~~, the Standards Committee, the Audit Commission and the Local Government Ombudsman.
3. This protocol is in addition to any provisions in the council's constitution.

### 4. The monitoring officer will:

- 4.1. Ensure the ~~head of paid service corporate directors~~ and ~~chief finance officer~~ Associate Director Finance ( Section 151 Officer) have up-to-date information regarding emerging issues.
- 4.2. Deal with allegations of misconduct in accordance with the statutory framework for local assessment, review and determination of complaints under the Members' Code of Conduct.
- 4.3. Establish and maintain a register of interests of members and co-opted members of the council and its parish, town and city councils in accordance with section 29 Localism Act 2011.
5. The ~~head of paid service corporate directors~~, ~~chief finance officer~~ Associate Director Finance ( Section 151 Officer) and monitoring officer will meet regularly as required to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
6. In carrying out any investigation (whether under regulations or otherwise) the monitoring officer will have unqualified access to any information held by the council and any employee who can assist in the discharge of his or her functions.
7. The monitoring officer will have control of a budget sufficient to enable him / her to discharge his/her responsibilities.
8. The monitoring officer will be responsible for preparing a training programme for members on the ethical framework subject to the approval of the Standards Committee.
9. The monitoring officer will report to the council from time to time on the constitution and any necessary or desirable changes following consultation in particular with the ~~head of~~

~~paid service corporate directors and chief finance officer.~~ Associate Director Finance (Section 151 Officer)

10. The monitoring officer may defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved.
11. The monitoring officer will make a report to the council from time to time as necessary on the staff, accommodation and resources he/she requires to discharge his/her functions.
12. The monitoring officer will appoint at least one deputy and keep them briefed on emerging issues.
13. The monitoring officer's nominated deputy will have all the rights and powers of the monitoring officer when discharging the role of monitoring officer.

**Governance Reporting Arrangements**

	<b>Governance Area</b>	<b>Executive Responsibility</b>	<b>Non - Executive Lead Committee</b>	<b>Activity – Terms of Reference</b>	<b>Other Interested Committees</b>
1.	Corporate Plan - Performance	Cabinet (Council approves Plan)	Overview and Scrutiny	Review and scrutinise	Audit  Standards
2.	Medium Term Financial Strategy (MTFS)	Cabinet (Council approves MTFS)	Overview and Scrutiny	Review and scrutinise	Audit - process and soundness of information
3.	Budget Setting	Cabinet (Council approves budget)	Overview and Scrutiny	Review and scrutinise	Audit - process and soundness of information
4.	Budget Monitoring	Cabinet	Overview and Scrutiny	Review and scrutinise	Audit - process and soundness of information
5.	Annual Statement of Accounts	Cabinet	Audit	Review and approve	Overview and Scrutiny
6.	Financial Management	Cabinet	Audit	Review to ensure arrangements for financial management are adequate and effective	Overview and Scrutiny
7.	Corporate governance, risk management and internal control	Cabinet	Audit	Monitor and review effective development and operation; receive progress reports.	Overview and Scrutiny
8.	Annual Governance Statement (AGS)	Cabinet	Audit	Oversee process, review supporting evidence and approve AGS	Contributions from standards – ethical governance and Overview and Scrutiny
9.	Anti-fraud and Corruption Policy	Cabinet	Audit	Monitor development and implementation	Standards Overview and Scrutiny

Page 123

10.	Internal Audit	Cabinet	Audit	<ul style="list-style-type: none"> <li>- Approve terms of reference and strategy and annual internal audit plan;</li> <li>- Monitor and review effectiveness of internal audit;</li> <li>- Consider annual report and opinion of Head of Internal Audit, summary on internal audit activity and level of assurance it provides on corporate governance;</li> <li>- Consider specific internal audit reports as requested and monitor implementation of agreed actions.</li> </ul>	<a href="#">Overview and Scrutiny</a> <a href="#">Standards – ethical governance issues</a>
11.	External Audit	Cabinet	Audit	<ul style="list-style-type: none"> <li>- Comment on external audit plan</li> <li>- consider relevant reports and report to those charged with governance;</li> <li>- Comment on scope and depth of external audit work and ensure it gives value for money</li> <li>- Monitor implementation of actions arising from external audit.</li> <li>- Consider issues arising from external audit of accounts</li> </ul>	Overview and Scrutiny Standards – ethical governance issues
12.	Audit and Inspection Letter	Cabinet	a. Overview and Scrutiny b. Audit c. Standards – ethical governance issues		
13.	Constitution	Cabinet (Council approves) Council	Standards	Oversight	Audit financial rules and regulations

					All other committees
14.	Promoting and maintaining high standards of conduct : officers and members	Cabinet	Standards	- Advising and providing training on Code of Conduct; -Granting dispensations; -Dealing with complaints under the Code of Conduct.	Staffing Policy Committee – Officer disciplinary hearings and any recommendations for wider learning
15.	Whistleblowing Policy	Cabinet	Standards	Overview of policy development and implementation	Possible issues for Standards and Overview Scrutiny
16.	Corporate Complaints Handling and Ombudsman Investigations	Cabinet	Standards	- Overview; - Review implementation of recommendations by Ombudsman	Possible issues for Overview and Scrutiny
17.	Partnership Governance	Cabinet	Audit	Review effectiveness of partnership governance arrangements as part of AGS process	Overview and Scrutiny – review partnerships Standards, ethical governance in relation to partnerships
18.	<a href="#">Safeguarding and looked after children</a>	<a href="#">Cabinet</a>	<a href="#">Children’s Select Committee</a>	<a href="#">Ensuring safeguarding responsibilities</a>	<a href="#">Corporate Parenting Panel</a> <a href="#">Safeguarding Children and Young People Panel</a> <a href="#">Safeguarding Children and Young People Task Group</a>
19.	<a href="#">Heath, wellbeing and social care</a>	<a href="#">Cabinet/Health and Wellbeing Board</a>	<a href="#">Health Select Committee</a>	<a href="#">Ensuring health, wellbeing and social care responsibilities</a>	
<a href="#">20.</a>	<a href="#">Policing</a>	<a href="#">Cabinet</a>	<a href="#">Police and Crime Panel</a>	<a href="#">Holding Police and Crime Commissioner to account</a>	<a href="#">Overview and Scrutiny</a>
<a href="#">21.</a>	<a href="#">Local Enterprise Partnership</a>	<a href="#">Cabinet</a>	<a href="#">Joint Strategic Economic Committee</a>	<a href="#">Democratic accountability, LEP governance framework</a>	<a href="#">LEP Joint Scrutiny Task Group</a>

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## STANDARDS COMMITTEE FORWARD PLAN 2015

<u>Constitution Focus Group Meeting Date</u>	<u>Agenda Circulation</u>	<u>Items</u>	<u>Standards Committee Date</u>	<u>Councillors Briefing (if required)</u>	<u>Council Date</u>
<u>2 September 2015</u>  <u>and</u> <u>23 September 2015</u>	<u>29 September 2015</u>	Code of Conduct changes (including gifts and hospitality)  Recommendations from the Constitution Focus Group	<u>7 October 2015</u>	<u>15 October 2015</u>	<u>20 October 2015</u>
<u>2 December 2015</u>	<u>6 January 2016</u>		<u>21 January 2016</u>	<u>28 January 2016</u>	<u>2 February 2016</u>

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