

Wiltshire Council

Council

18 October 2016

Notice of Motion No. 38

Democratic Accountability

From Councillors Chris Caswill and Chris Hurst

To consider the following motion received in accordance with the Council's Constitution:

"Council notes the extensive powers attributed within the Wiltshire unitary system to the Leader and the Cabinet, and to Officers under Delegated Powers. Council asserts the importance of democratic debate and challenge, and of the active engagement of backbench members and the public in the Council's work.

It has accordingly proposed detailed measures designed to:

- (a) increase the accountability of the executive, in its various forms, and
- (b) improve those elements of the system which provide for the contributions of individual elected members, and
- (c) Strengthen the participation of , and engagement with, the Wiltshire public, and
- (d) Thereby strengthen the democratic legitimacy and contribution of Wiltshire Council

These measures are set out at Annex 1 to this Motion.

Council resolves that :

- 1. The list at Annex 1 be adopted as the ambition for changes to current procedures, instruments and practices**
- 2. The changes proposed for Scrutiny be referred to the Overview and Scrutiny Management Committee, for its agreement to implementation or report back to Council at its next meeting**
- 3. Cabinet be asked to have the process of implementing the other changes begun as soon as possible**

4. **Officers be requested to identify for an early Cabinet meeting those changes which can be implemented, or at least initiated, before May 2017 and to begin work on those as a matter of priority**
5. **Cabinet be asked to report on progress by the end of March 2017, along with a justification of any changes it rejects**
6. **And a plan for implementation of remaining changes after May 2017, subject to the agreement of the new Council.**

Annex 1 to Council Motion on Democracy and Accountability

List of proposed changes to current procedures, instruments and practices

Scrutiny

1. All Scrutiny Committees will be chaired by a Councillor from outside the ruling administration group.
2. Membership of all Scrutiny Committees shall include two members of the public, appointed on the basis of responses to advertised vacancies and selection by the Committees
3. Cabinet responses to Scrutiny recommendations will be brought to Committees by the relevant Cabinet members in person. Recommendations and responses will be prominently displayed on the Council web site
4. Provision will be made for public petitions to be presented and discussed at Scrutiny meetings (see below)
5. Scrutiny meetings will be advertised on the Council web site and members of the public invited to address Committees on high profile items
6. It shall be established within Constitution protocols understood that Scrutiny Committee decisions are not taken on party political / group lines, without prior group briefing
7. Cabinet members and portfolio holders shall not be members of Scrutiny Committees
8. Strengthened staffing of Scrutiny support will be regarded as a corporate priority. Scrutiny staff will be brought together as a separate team, together with Democratic Services

Area Boards

- a) Provision will be made for public participation at the beginning of Area Board meetings, similar to that made for Cabinet and other committees
- b) Provision will be made for public petitions to be presented *and discussed* at Area Board meetings (see below)

Planning

- i. The right of local residents to call in planning applications for committee decisions in public will be restored, with a threshold of six signatories
- ii. Speaking time for members of the public will be increased to a maximum of 5 minutes
- iii. All planning meetings will begin in the early evening, preferably at 6 pm, to allow working residents to attend.
- iv. It shall be established within Constitution protocols understood that decisions within all Planning Committees are not taken on party political / group lines, without prior group briefing
- v. Guidance will be given to planning officers that their reports should explicitly address those residents' objections that relate to planning policies, not simply list them
- vi. A user-friendly guide will be provided for residents who wish to make representations on planning applications and the Council web will be restructured to provide well signposted and user-friendly routes for that purpose.

Licensing

- 1) Local members will be informed of any formal warning notices sent to licensed premises in their areas
- 2) New user-friendly guidance will be provided for the public on the licensing system and opportunities for the public to engage.

Highways

- All CATG meetings will be held in public, and advertised on the Council web site
- A route will be restored for local members to make direct contact with Council officers on highways issues, and bring issues directly to CATGs
- All highways work that will disrupt roads or pavements for more than one day will be required to display reasons and timetables for the work

Democratic opposition

- Direct Democratic Services and research support will be provided to Opposition groups with four or more members, to be determined by discussion between the Leader and Opposition Group Leaders

Engagement of Individual members

- I. The Constitution protocol for providing information to local Members will be strengthened, so that it the expectation will be that local members will be informed in advance, and in good time, of all decisions and decisions under consideration that would enable them to discharge their responsibilities as

community leaders, irrespective of considerations of any embarrassment to the ruling administration

- II. Clear protocols will be introduced to provide opportunities for individual backbench members to challenge and bring forward for review significant decisions taken by Officers under Delegated Powers, recognising that work will need to be done in advance on a classification and presentation of a limited group of *significant* decisions (to avoid all Officer decisions being capable of review)

Council and committees

1. The annual State of Wiltshire debate will be restored, with officer support available to opposition groups for research purposes
2. Now that the electronic voting system is in place, all votes at Council meetings will be recorded.
3. Councillor's questions will be taken higher on the agenda at Council meetings, after public participation but prior to any Resolutions, and with a time limit of 30 minutes for supplementary questions and answers
4. All Council, Cabinet and other committee agendas will be published sufficiently far in advance of the meeting to allow the public at least five clear working days to read the papers and indicate a wish to make a statement or ask a question
5. The combined Democratic Services and Scrutiny functions will report directly and independently of executive functions to the Monitoring Officer, and then preferably to a restored Chief Executive post.

Engagement with the Public

- Provision has already been made above for enhanced public engagement with scrutiny, planning and licensing. Additionally, the threshold for petitions which will automatically generate a debate will be reduced to 1000. Petitions achieving this threshold may be discussed at full Council or be referred to the relevant Scrutiny Committee, where the petitioner(s) will have the opportunity to participate in the debate. Presenters of petitions with over 50 proper signatures will have the opportunity to have their petition discussed at the relevant Area Board(s), should they wish, and to have a decision from the Board(s) as to the next steps
- There will be a professional independent review of the Council web site, leading to its replacement or restructuring into a user-friendly format that interactively engages the public