

**Wiltshire Council**

**Council**

**26 February 2019**

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## **Proposed Changes to the Constitution**

### **Summary**

The Standards Committee has responsibility for oversight of the Council's constitution.

This report sets out proposed changes to Part 4 and Protocol 1 of the Constitution.

### **Proposal**

**That Full Council approve the proposed changes as detailed at Appendix 2 and 3.**

### **Reason for Proposal**

To ensure the council's constitution is up to date, clear and effective.

**Ian Gibbons, Director of Legal and Democratic Services and Monitoring Officer**

## **Proposed Changes to the Constitution**

### **Purpose of Report**

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

### **Background**

2. The Standards Committee has responsibility for oversight of the Council's constitution. It has established a cross party working group, known as the Constitution Focus Group, to advise and assist the committee in carrying out this function.
3. The Focus Group met on 9 January 2019 to review sections of the constitution as detailed in paragraph 1 and made a series of recommendations.
4. The Standards Committee considered those recommendations on 23 January 2019.

### **Main Considerations**

5. The minutes of the Standards Committee and the Focus Group meeting listed in paragraphs 3 and 4 can be found at **Appendix 1**.

### **Summary of proposed changes**

#### **(a) Part 4: Council Rules of Procedure**

6. Part 4 of the Constitution sets out detailed rules of procedure for the council, with sections applying on to Full Council, Cabinet or other committees as appropriate. These include rules on submission of questions, consideration of motions and amendments, recording of minutes and more.
7. At its meeting on 16 October 2018 Full Council adopted a series of changes to Part 4 as recommended by the Standards Committee on 26 September 2018.
8. At that meeting it was noted that further revisions relating to the sections on the arrangement of and appointment of substitute members of committees would be forthcoming.

9. Proposed amendments to the relevant section are therefore attached at **Appendix 2**. Standards also considered a guidance note on operation of the arrangements, which does not form part of the constitution.
10. The changes clarify that a member of a committee is responsible for informing the proper officer for that committee of their absence and for arranging a substitute, that this must be done in writing, and provides for exceptions in cases of urgency.

### **Recommendation**

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

### **(b) Protocol 1: Member-Officer Relations**

12. Protocol 1 sets out expectations on Member and Officer relations. Following multiple meetings, the Focus Group recommended revisions to the protocol which were approved at Full Council on 16 October 2018, following recommendation by the Standards Committee on 26 September 2018.
13. Paragraphs 11.8 and 11.9 of the revised protocol relate to members' access to confidential and exempt information (Part II information). The Standards Committee, on the recommendation of the Focus Group, had requested that an appendix to the protocol be drafted to supplement these paragraphs, setting out practical, clear examples of which members would have access under which circumstances and how members should request information they believed they were entitled to access.
14. The draft proposed appendix to Protocol 1 is therefore attached at **Appendix 3**.

### **Recommendation:**

15. **To recommend that Council approve the proposed Appendix 1 to Protocol 1 of the Constitution, as shown in the attached document at Appendix 3.**

### **Safeguarding Implications**

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

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

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

### **Risk assessment**

18. There are no significant risks arising from this report

### **Financial Implications**

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

## **Legal Implications**

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

## **Public Health Impact of the Proposals**

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

## **Environmental Impact of the Proposals**

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

## **Proposal**

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

## **Ian Gibbons, Director, Legal and Democratic Services (and Monitoring Officer)**

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

## **Appendices**

- Appendix 1a – Minutes Extract of the Standards Committee - 23 January 2019  
Appendix 1b - Minutes of the Constitution Focus Group - 9 January 2019  
Appendix 2 - Revised Part 4 (Substitution Arrangements)  
Appendix 3 - Proposed Appendix 1 to Protocol 1