

Wiltshire Council

Constitution Focus Group

8 January 2014

UPDATE TO PART 5 OF THE CONSTITUTION

Purpose

1. The purpose of this report is to ask the Constitution Focus Group to consider a revised draft Part 5 of the Constitution (Access to Information Procedure Rules) reflecting the changes agreed at its last meeting and to recommend the Standards Committee accordingly.

Background

2. Part 5 of the Constitution deals with the Access to Information Procedure Rules.
3. Following the meeting of the Constitution Focus Group on 5 December 2013, Part 5 has been further amended as shown in tracked changes at Annex 1.
4. Part 5 has been updated:
 - a. to make it clearer and easier to follow;
 - b. to remove references to the Director of Resources and clarify responsibility for roles previously carried out by the Director of Resources;
 - c. to take account of recent changes to legislation, in particular the introduction of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

(Reference to 'Regulations' in the comments boxes on Annex 1 relate to these Regulations).

Matters for Consideration

5. To consider the further amendments to Part 5 of the Constitution.
6. The further changes can be summarised as follows:
 - a. A definition section has been inserted;
 - b. The paragraph numbers have been updated;
 - c. References to the Director of Resources have been changed to Proper Officer (which is defined);
 - d. Where reference is made to offices this is now defined as the council's hub offices at County Hall, Trowbridge, Monkton Park, Chippenham and

Bourne Hill, Salisbury;

- e. In relation to granting dispensations references to the Head of Paid Service have been changed to the Standards Dispensation Sub-Committee;
- f. Where appropriate references to the Overview and Scrutiny Committees have been changed to the Overview and Scrutiny Management Committee;
- g. References to 'clear days' have been changed to 'clear working days', except in paragraphs 5, 7, 23 and 24 which require 28 clear calendar days notice;
- h. A new section has been inserted for notice of private meetings (paragraphs 5 – 7);
- i. The requirement to make background papers available to the public has been extended from 4 years to 6 years to make it consistent with the requirement in relation to minutes in paragraph 11;
- j. A new paragraph 17 has been inserted to clarify when the discretion to exclude the public applies;
- k. Paragraph 31 has been updated to refer to the Chairman and Vice-Chairman of Full Council as required by the legislation;
- l. Paragraph 34 has been updated to reflect Full Council's resolution in November 2013 regarding the Leader's reporting of the use of the special urgency provisions;
- m. The reference to Head of Paid Service in paragraph 42 has been changed to Corporate Directors; and
- n. References to Cabinet in paragraph 49, 51,52 and 55 have been changed to the Leader.

Recommendation

- 7. The Constitution Focus Group is, therefore, asked to consider the attached revised draft and recommend the Standards Committee to recommend Council to adopt the changes.

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