

CONSTITUTION FOCUS GROUP

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

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)

The Officer who has produced these minutes is Kieran Elliott, of Democratic & Members' Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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