

Wiltshire Council

Council

14 July 2015

Recommendations of the Standards Committee on Changes to the Constitution

Purpose of Report

1. This report asks Full Council to consider recommendations of the Standards Committee on Changes to the Constitution 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 4)
 - b) Protocols 1-2: Briefing and Information for Local Councillors and Councillor-Officer Relations (Appendix 5)
 - c) Protocol 7: Media Protocol and associated Social Media Guidance for Councillors (Appendix 6)
 - d) Protocol 9: Monitoring Officer (Appendix 7)
 - e) Protocol 11: Governance Reporting Arrangements (Appendix 8)

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 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.
4. The Standards Committee considered those recommendations on 24 June 2015 and determined what should be endorsed to be approved by Full Council. A briefing on the Standards Committee recommendations was held on 26 June 2015.

Main Considerations

5. The relevant minutes and resolutions of the Standards Committee can be found at Appendix 1. The relevant minutes of the Focus Group meetings listed in paragraph 4 can be found at Appendix 2.

(a) Part 4 - Council Rules of Procedure

6. The Standards considered a series of changes to Part 4 of the Constitution as follows:

Public Disturbances

7. The Standards Committee 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.
9. The Focus Group determined that where the Council Chamber technology was utilized, the results of the vote and how members voted should be attached to the minutes of the meeting. In practice, this would mean that for a council meeting there would be no difference between a ballot and a recorded vote, but that the distinction would remain for other meetings.

State of Wiltshire Debate

10. 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

11. The final section of Part 4 reviewed was in relation to the submission of and processing of Councillors' Questions for council meetings.
12. 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.
13. Following consideration by the Focus Group, the Standards Committee 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

14. A guidance note for councillors on the questions procedure can be found at Appendix 3, as prepared by the Focus Group and amended further by the Standards Committee.
15. The changes to Part 4 encompassing all these sections can be found at Appendix 4.

Recommendation

16. **That 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 4.**

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

17. The Focus Group and then Standards 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.
18. 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.
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.
21. Standards therefore resolved to approve changes to address the concerns above.

Recommendation:

22. **That 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 an update to Part 2 of the Constitution, as shown in the attached tracked change document at Appendix 5.**

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

23. 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.

24. 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.
25. 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.
26. The Standards Committee therefore resolved to recommend changes to address the concerns above.

Recommendation:

27. **That Council approve changes to Protocol 7 of the Constitution as shown in the attached tracked change document at Appendix 6. And;**

(d) Protocol 9: Monitoring Officer

28. Protocol 9 was reviewed, and 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:

29. **That Council approve changes to Protocol 9 of the Constitution as shown in the attached tracked change document at Appendix 7.**

(e) Protocol 11: Governance Reporting Arrangements

30. The Standards Committee agreed to recommend updating and revising the reporting arrangements of committees, and including newer bodies such as the Local Enterprise Partnership and Police and Crime Panel.

Recommendation:

31. **That Council approve changes to Protocol 11 of the Constitution as shown in the attached tracked change document at Appendix 8.**

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk assessment

34. There are no significant risks arising from this report

Financial Implications

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

Legal Implications

36. 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

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

Environmental Impact of the Proposals

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

Proposal

39. **That Council approve the changes to the Constitution as set out in paragraphs, 16, 22, 27, 29, and 31 above.**

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

Appendices

Appendix 1 - Minutes of the Standards Committee (24 June 2015)

Appendix 2 - Minutes of the Constitution Focus Group (3 December 2014, 8 January, 1 April and 11 June 2015)

Appendix 3 - Procedure for Submission of Council Questions

Recommended Changes for Council Approval

Appendix 4 - Tracked Changes to Part 4 of the Constitution

Appendix 5 - Tracked Changes to Protocols 1 and 2 of the Constitution

Appendix 6 - Tracked Changes to Protocol 7 of the Constitution

Appendix 7 - Tracked Changes to Protocol 9 of the Constitution

Appendix 8 - Tracked Changes to Protocol 11 of the Constitution