

CONSTITUTION FOCUS GROUP

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 10 APRIL 2019 AT SALISBURY ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Richard Britton and Cllr Stuart Wheeler

Also Present:

Cllr Tony Jackson

14 **Apologies**

Apologies were received from Councillors Jon Hubbard and Graham Wright.

15 **Minutes of the Previous Meeting**

The notes of the meeting held on 20 March 2019 were received and it was,

Resolved:

To approve and sign as a true and correct record the notes of the meeting held on 20 March 2019.

16 **Assessment Sub-Committees**

The Focus Group discussed proposals raised at the last meeting to replace the existing review sub-committee procedure with assessment sub-committees, which would determine all code of conduct complaints after receiving and considering a recommendation from the Monitoring Officer, rather than the Monitoring Officer making the decision, which could be reviewed.

The Focus Group discussed potential aspects to the new procedure with a view to receiving revised drafts of all relevant documentation at its next meeting. Issues discussed involved pre-assessment management and screening of complaints against jurisdictional matters outlined in the arrangements such as a complaint being out of time, how these should be reported to the Assessment Sub-Committee for decision, and the stages and time frames for any investigation.

It was agreed that complainants and subject members should receive the opportunity to make a statement at any Assessment Sub-Committee on initial assessment, but that they should not when the Sub-Committee received the outcome of an investigation report upheld by the Monitoring Officer, on the grounds that all parties at that point had received ample opportunity for comment.

Other matters agreed were that Independent Persons would attend the Sub-Committee and not be required to consult with the Monitoring Officer as the latter formed their recommendation, that the membership of the Sub-Committee would be appointed by the Standards Committee and that timeframes for responses to various stages should be adhered to as rigidly as was practicable and reasonable.

Resolved:

To receive draft revisions to appropriate documentation implementing the proposed changes at the next meeting.

17 **Petitions Scheme**

The Focus Group considered information relating to the petitions schemes of other authorities and made a series of proposals to form the basis of a redrafted petitions scheme to be considered at the next meeting.

It was confirmed that the Focus Group believed the period for debate on a petition at Council should be extended to 30 minutes and members limited to contributions of 3 minutes each, and that this time should not include the response of the Cabinet Member or group leaders. It was considered that permitting three public speakers for any petition being presented was reasonable, and that a deadline for submission of any petition for presentation or debate be set to coincide with the deadline for motions on notice to Council.

The Focus Group considered that thresholds for petitions to be debated at area boards were unnecessary and that this should be at the Chairman's discretion, as was already the case should a petition not meet the threshold. Additionally, the threshold for a debate at Full Council should be a set number agreed at the beginning of each Council term in line with the present number, but without the need to reassess it as a percentage of the council area population.

The Focus Group also discussed further details and clarifications that could be included in any scheme, such as the chairman moving a motion for debate on any petition, guidance for members and the public on what actions could be taken with petitions on particular subjects depending on the decision maker and status of the matter in question, and expectations for petition organisers.

Resolved:

To receive a draft revised petitions scheme at the next meeting.

18 **Part 10: Procurement and Contract Regulations**

The Focus Group received details of proposed changes to Part 10 of the Constitution, correcting out of date information and seeking to simplify and clarify the processes for procurement within the Council alongside work to improve the existing procurement manual for officers.

Details were sought on the level of responsibility the wording placed on the Head of Procurement rather than the defunct Procurement Board, how procurement and other risks were being identified, reported and actioned between the procurement team and the services and the existing rules in relation to extraordinary exemptions. In particular it was requested that additional drafting be considered if necessary to ensure processes in relation to extraordinary exemption were sufficient.

Resolved:

Taking account of the comments made at the meeting, that the Standards Committee recommend Council approve the proposed changes.

19 **Protocol Updates**

The Focus Group noted that the Audit Committee would be considering proposals in relation to partnership working and corporate governance, which would replace Protocol 8 and update Protocol 10 respectively.

Resolved:

Subject to the decision of the Audit Committee, that the Standards Committee recommend Council remove Protocol 8 of the Constitution and update the number of other protocols accordingly, and approve the changes to Protocol 10.

20 **Urgent Items**

There were no urgent items.

(Duration of meeting: 12.30 - 2.15 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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