

CONSTITUTION FOCUS GROUP

NOTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 14 JUNE 2019 AT SALISBURY ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Richard Britton, Cllr Stuart Wheeler and Mr Michael Lockhart

Also Present:

Cllr Fleur de Rhé-Philippe MBE, Cllr Toby Sturgis and Cllr Fred Westmoreland

28 **Apologies**

An apology was received from Councillor Graham Wright.

29 **Notes of the Previous Meeting**

The notes of the meeting held on 24 May 2019 were received and it was,

Resolved:

To approve and sign the notes as a true and correct record.

30 **Protocol 4: Planning Code of Good Practice**

The Focus Group received a revised version of Protocol 4 following their consideration and comments at the meeting on 24 May 2019. The Cabinet Member and Chairmen of the planning committees had been invited to attend the meeting.

The Focus Group made additional comments requesting that ongoing training also be stated to be mandatory within the constitution along with initial training as currently stated. It was noted that Full Council could appoint any member to a committee, but that the lack of proper training of a member could open the council up to legal challenge, and the Monitoring Officer would need to consider the matter carefully in such a situation, and that Group leaders needed to bear this in mind.

Changes were also sought to avoid confusion between discussions between members and others before an application was submitted, and formal pre-application discussions with planning officers. There were also clarifications sought on when members should seek guidance from the Monitoring Officer,

how to draw attention to rules on pecuniary or other relevant interests and the need to provide policy reasons when refusing applications.

The Focus Group agreed a briefing should be made available to all members on the proposals.

Resolved:

To recommend Standards Committee endorse the proposed changes to Protocol 4 to Full Council.

31 **Protocol 12: Arrangements for dealing with Code of Conduct complaints**

The Focus Group considered the final version of the revised Protocol 12 and associated documentation to give effect to the new assessment sub-committee process that had been agreed previously. Further amendments were suggested in relation to requests of extension to the process being unnecessary as this was already possible under the arrangements, and there were other changes to make clear that comments would be received by the investigating officer on their report, who would make changes or incorporate them, prior to providing the report to the monitoring officer.

Resolved:

To recommend Standards endorse the proposals to Full Council.

32 **Part 3B and Protocol 2: Pension Fund Terms of Reference and Pension Board Terms of Reference**

Andy Cunningham, Head of Pensions Administration and Relations presented proposed changes to the terms of reference of the Pension Fund Committee and the Pension Board. It was explained these were intended to bring greater clarity to the expectations for members of each body and the roles they should undertake. This had been prepared following consultation with the Chairman of each body.

The Focus Group members noted the changes and in principle felt the proposals to provide clarity were helpful, although there were concerns regarding overlap in practice between the two bodies, and the limitations on who could nominate employer body representatives to the Pension Board. It was also suggested the expanded Pension Fund terms of reference could be included within Protocol 2, in a separate document, so that terms of reference for both pensions bodies were located in the same areas of the constitution.

It was agreed for there to be further discussions with the Pensions Team before recommending the changes onward.

33 **Part 4: Council Rules of Procedure**

Following queries it was established that there was no legal or constitutional requirement for Full Council to receive a minutes book at each ordinary council meeting. No comments had been raised on the minutes for several years and committees would still be able to report to council, or committee chairmen make an announcement, if they so wished, should the minutes book not be taken to the meetings.

It was agreed to seek the view of Group Leaders as to whether it was necessary to continue to bring the minutes book to Full Council.

34 **Part 3C: Scheme of Delegation (Executive)**

The Focus Group noted the report that it was intended by the Leaders of Swindon Borough Council and Wiltshire Council to disband the Joint Strategic Economic Committee in the light of the new legal status of the Swindon and Wiltshire Local Enterprise Partnership. It was noted that the Leader would make changes to the scheme of delegation accordingly, and that this would be reported to Full Council.

35 **Part 11: Roles and Responsibility of Members**

The Focus Group noted the proposed formatting and numbering changes, and corrections, and accepted the Monitoring Officer making the changes.

36 **Part 11B: Safeguarding Children and Young People Panel**

The Focus Group noted the proposed formatting and numbering changes, and corrections, and accepted the Monitoring Officer making the changes.

37 **Part 12: Members Code of Conduct**

The Focus Group noted the proposed formatting and numbering changes, and corrections, and accepted the Monitoring Officer making the changes.

38 **Part 15: HR Code of Conduct**

The Focus Group noted the proposed formatting and numbering changes, and corrections, and accepted the Monitoring Officer making the changes.

39 **Part 16: Management Structure**

The Focus Group noted the proposed formatting and numbering changes, and corrections, and accepted the Monitoring Officer making the changes.

40 **Urgent Items**

There were no urgent items.

(Duration of meeting: 11.00 am - 12.50 pm)

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

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Constitution Focus Group

NOTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 15 JANUARY 2020 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Richard Britton, Cllr Jon Hubbard and Cllr Graham Wright

1 Apologies

Apologies were received from Councillors Ian Thorn and Stuart Wheeler.

2 Notes of the Previous Meeting

The notes of the meeting held on 2 September 2019 were presented for consideration and it was,

Resolved:

To approve and sign the notes as a true and accurate record.

3 Protocol 2 and Part 3B of the Constitution: Local Pension Board Terms of Reference and Responsibility for Functions (Wiltshire Pension Fund Committee Terms of Reference)

Following its meeting on 14 June 2019 the Focus Group received updated proposed terms of reference for the Local Pension Board and the Wiltshire Pension Fund Committee.

The Focus Group examined each terms of reference and made a number of suggested amendments to the wording to improve clarity. Revisions were requested in relation to details around delegation to officers or requests made to the Board, references to registers of interest, appointment and confirmation of Chair of the Board, the role of the Investment Sub-Committee, speaking rights, annual reports, appointment of employer representatives and other minor changes.

At the conclusion of discussion, it was,

Resolved:

To receive updated terms of reference taking into account the comments of the Focus Group, at its next meeting.

4 **Part 3B Policy Framework**

The Focus Group received a report proposing a review of Part 3B of the Constitution in respect of the Policy Framework, a list of policies which required approval by Full Council. This included items required by statute to be approved by Full Council and discretionary items which at some point it had been determined should be approved by Full Council.

The list had been reviewed as a number of items were no longer required to be approved by Full Council or had been added to the required list, and it was proposed a number of policy framework items be removed as this was not the most appropriate method for their review and approval.

The Focus Group considered the list, with comments suggesting the Carbon Reduction Strategy should also be approved by Full Council, and discussion of how to develop reviewed policies alongside scrutiny. It was also confirmed that any such strategies required approval by Cabinet prior to confirmation by Full Council.

Resolved:

To request Standards recommend approval of the proposed amendments to Part 3B of the Constitution, and to encourage future reviews of policy framework items to require scrutiny involvement.

5 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.30 - 4.10 pm)

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Constitution Focus Group

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 17 JUNE 2020 AT ONLINE MEETING.

Present:

Cllr Richard Clewer (Chairman), Cllr Richard Britton, Cllr Jon Hubbard and Cllr Graham Wright

10 **Apologies**

Apologies were received from Councillors Stuart Wheeler and Ian Thorn.

11 **Notes of the Previous Meeting**

The notes of the meeting held on 24 April 2020 were presented for consideration and it was,

Resolved:

To approve and sign the notes as a true and correct record.

12 **Pensions Board and Pensions Fund (Part 3B and Protocol 2)**

The Focus Group considered further revisions to terms of reference of the Pension Board and Wiltshire Pension Fund Committee following previous considerations in September 2019 and January 2020.

The Focus Group reviewed the revisions and requested additional changes in relation to reference to registers of interests and codes of conduct. Subject to these and other minor changes, it was

Resolved:

To request Standards Committee recommend the changes to the terms of reference be approved by Full Council.

13 **Urgent Items**

Through the Chair there was a discussion of the details of constitutional decision-making, particularly emergency powers, given the ongoing Covid-19 emergency. It was agreed to undertake a review of the operation of these provisions when practicable, and to raise the issue of wider member

consultation and where possible participation in decisions relating to the return of democratic decision-making in a regular manner.

It was also noted that at its latest meeting the Staffing Policy Committee had approved an updated HR Code of Conduct, which would form Part 15 of the Constitution.

(Duration of meeting: 1230 - 1330)

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

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