

FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION

**MINUTES OF THE FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION
MEETING HELD ON 8 OCTOBER 2010 AT COMMITTEE ROOM III - COUNTY
HALL, TROWBRIDGE.**

Present:

Cllr Peter Doyle, Cllr Jon Hubbard, Mrs I McCord (Chairman), Mr S Middleton, Mr Paul Neale, Cllr Christopher Newbury, Cllr Ricky Rogers, Cllr Anthony Trotman and Cllr Stuart Wheeler

Also Present:

Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee

1. **Apologies**

Apologies for Absence were received from Cllr Nigel Carter and Cllr Trevor Carbin (replaced by Cllr Jon Hubbard).

2. **Declarations of Interest**

There were none.

3. **Minutes of Last Meeting**

The minutes of the last meeting were presented and it was,

Resolved:

To approve and sign the minutes of the last meeting held on 20 September 2010 as a correct record.

4. **Review of the Constitution**

To review aspects of the constitution as set out below.

(a) **Overview and Scrutiny - Chairmanships and Relations Protocol**

Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee introduced the Overview and Scrutiny recommendations received at the previous Focus Group meeting.

Paul Kelly, Overview and Scrutiny Manager, briefed members on the changes made to Part 8 of the Constitution in light of previous recommendations.

The Focus Group was advised of progress in developing a Protocol documenting a clear two way relationship between the Executive and Scrutiny functions. It was noted that this would now form part of a wider governance review called for by the Leader, which will focus on enhancing backbench member involvement in the Council's decision making process.

The issue of whether overview and scrutiny committees should be chaired by members belonging to the majority group on the Council was considered by the Focus Group. The Focus Group accepted the principle of minority parties influencing the content and direction of the overview and scrutiny function. This was supported by the research into arrangements operated by other local authorities. The additional issue of public perception and transparency was raised at this stage. This will now be included in the wider governance review.

The Focus Group debated this issue and it was,

Resolved:

That this should be addressed by convention, to be determined in full at a later date as part of the wider governance review, and not explicitly set out in the Constitution.

(b) **Contract Regulations - Part 11**

Tony Brett, Head of Procurement, introduced the revised version of Part 11 of the Constitution, incorporating the changes recommended at the last Focus Group meeting.

The Group discussed the revised version, identifying only one rephrasing amendment required, and it was,

Resolved:

To approve the current version, subject to subsequent revision and Focus Group approval of the phrasing of Paragraph 11.4 of this section.

(c) **Budget Policy and Framework - Part 6**

No change was proposed to this part of the Constitution.

Resolved:

To approve this section in its current form.

(d) **Protocols**

(i) Briefing and Information for Local Members

No material changes had been made to this Protocol other than to reformat it and make it clearer. The Protocol also made reference to the Area Board and Delegated Decision checklist which had also been referenced in the Scheme of Delegation to Officers.

Resolved:

That the Protocol be approved in its present form.

(ii) Media Relations

The Focus Group was not happy with this Protocol in its present form. The Focus Group asked for the Protocol to be completely redrafted highlighting a number of specific issues it would like taken into account in the redrafting. The Focus Group suggested that a revised Protocol be presented to a meeting of Group Leaders for approval before being presented to Council on 9 November 2010 as part of the draft revised constitution.

Resolved:

To request the Communications Team to redraft the Media Relations Protocol taken into account the views expressed at the meeting.

A revised Protocol be considered by Group Leaders for approval with a view to including in the draft revised constitution to be presented to Council on 9 November 2010.

(iii) Complaints Procedure

The Focus Group discussed this section and it was,

Resolved:

That the Protocol be approved as presented.

(iv) Partnership Protocol

Tony Brett, Head of Procurement, introduced the draft Partnership Protocol. It was noted that the Protocol stemmed from a Protocol previously adopted by Cabinet which had now been updated. In order to raise the profile of the governance of partnership arrangements and in recognition of increased partnership activity, the document was being recommended for inclusion as a Protocol to the constitution.

Resolved:

To approve the Protocol for inclusion in the constitution, subject to minor revisions to part 5 of paragraph 10.2(c) in order to formally recognise a wider range of community partners.

(e) **Scheme of Delegation to Officers - Part 3B**

The main changes proposed to the Scheme of Delegation to Officers were outlined. The main changes related to updating the titles and main responsibilities of the Corporate Directors following management restructuring.

Resolved:

That the changes be approved.

(f) **Council Rules of Procedure - Part 4**

The Focus Group considered an updated version of this section, incorporating the recommendations made at the last Focus Group meeting.

A number of issues were raised including detailing circumstances which could give rise to a meeting being cancelled, the deadline for submission of questions and circulation of responses. Looking at the Rules of Debate, a discussion ensued on what would and would not constitute a valid amendment. Members considered whether to insert any additional clarification but noted that the section on 'amendments to motions' was taken from the modular constitution. The Focus Group agreed with a suggestion that consideration would be given to drawing up a Protocol to provide an acceptable convention for possible agreement between group leaders and the chairman of Council.

After discussion, it was,

Resolved:

That Part 4 be approved as amended.

5. **Feedback**

(a) **Questionnaire Responses - Members**

The Focus Group's attention was drawn at the outset to the responses to the questionnaire on the constitution from members of the Council.

The Focus Group was advised of comments received on the draft constitution from Cllr Nigel Carter was not able to attend the meeting.

(b) **Online Snap Survey - Public**

The Focus Group was advised of the results of the Public Online Snap Survey on the review of the Constitution, which identified largely positive feedback from those who attended meetings such as the area board, but a perceived difficulty in influencing decision-making from many. Although only twenty eight responses were received, the issues raised were discussed and it was,

Resolved:

To note the survey results and feedback which would be taken into account in any efforts to increase/improve public engagement.

(Duration of meeting: 10.30 am - 4.00 pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line (01225) 718024, e-mail yamina.rhouati@wiltshire.gov.uk

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