

CONSTITUTION FOCUS GROUP

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 6 MARCH 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Ian Thorn, Cllr Jon Hubbard, Cllr Richard Britton and Cllr Richard Clewer

1 **Election of Chairman**

Resolved:

To elect Councillor Richard Clewer as Chairman of the Constitution Focus Group.

2 **Apologies**

Apologies were received from Councillors Nick Murry and Paul Oatway QPM.

3 **Minutes of the Previous Meeting**

Resolved:

To approve the minutes of the meeting held on 6 September 2016.

4 **General Review of the Constitution**

Ian Gibbons, Monitoring Officer, outlined a proposed programme for review of the Constitution. Specific sections had already been identified as in need of review, as detailed further in minutes 5-6.

In addition to these, and any other items members of the Focus Group requested, it was intended for officers to undertake checks of each section of the constitution in turn. This check would firstly identify errors or ambiguities, which could be corrected under the delegated powers of the Monitoring Officer, and also seek to reformat and renumber sections in the interest of consistent presentation, referencing and greater clarity. Any changes made under the delegated powers of the Monitoring Officer would, as resolved by the Standards Committee, first be presented to the Focus Group.

During the review where it was felt that a deeper analysis or revision was required, such an item would be added to the work programme of the Focus Group.

Resolved:

To note the proposed programme for a general review of the Constitution.

5 Review of Part 3 - Scheme of Delegation

A report was received detailing proposed changes to Part 3 of the Constitution. There had not been a full review of Part 3 and it was noted that further changes would likely be required in respect of ensuring references to the Scrutiny committee structure were up to date, inclusion of definitions on the role of Cabinet Portfolio Holders, which would also be referenced in Protocol 1 to the Constitution (Councillor-Officer Relations), and other more minor changes.

Specific reference was made to the scheme of delegation with respect to planning. It was explained that in June 2018 new regulations would come into effect which would allow applicants to submit applications for 'Permission in Principle' (PIP) for minor housing led developments of up to 9 houses. Such an application would require a reduced amount of information to accompany it and a much shorter length of time for a local planning authority to determine the application, 5 weeks in total. Outline or full applications would still be required prior to any development.

It was explained that the current scheme of delegation was predicated on an 8 week period for determination of planning applications, and that the shorter timetable for PIP would not enable the council to consult, publicise, assess, prepare a report and notify for a committee decision, should the current scheme remain unamended.

It was proposed that applications for PIP be added to the list of applications which would not be eligible for call-in and so would be dealt with under delegated powers, although the Director could still receive representations from members and decline to determine the application.

The Focus Group did not support such a proposal, emphasising the important role of planning for the public and members which should not be lost. It was noted that any PIP must still be advertised publicly for 2 weeks, and it was suggested the call-in period for PIP be reduced to 15 days from 21 days for regular applications, and that rather than be circulated to members on a weekly list, that it be sent as soon as was practicable from the registration of the application.

The Focus Group requested revised changes to that effect be presented at the next meeting, as well as seeking comment from the Cabinet Member on how the administration of PIP using such a revised approach could be managed.

The Focus Group also considered a number of proposed changes to be made under the delegated authority of the Monitoring Officer under Article 15.3 of Part 2 of the Constitution. These involved correction of officer and cabinet member titles, technical reference changes, and renumbering of paragraphs 1.2 and 1.3

of Part 3D to make clear items would only be considered by Strategic Planning when call-in by members. It was also confirmed that although not specified in the constitution Gypsy and Traveller applications would continue to be determined by Strategic Planning, and it was requested to see whether this should be clarified in the document itself.

The Focus Group also highlighted a number of other areas of Part 3 for potential review, which would be considered by officers and brought back to the next meeting.

Resolved:

For a revised part 3 to be considered at the next meeting, taking into account the comments of the Focus Group above.

6 **Forthcoming Items**

The list of forthcoming items to be reviewed was noted. It was stated that the appendix to Protocol 1 in relation to support and facilities for councillors would be considered by CLT and proposals for updating brought back to the Focus Group. Details were also provided of the intention to update Protocol 9 to be in relation to all statutory officers, and that the Partnership Protocol needed significant revision and would be brought back later in the year.

It was also explained that work on officer decisions was being undertaken in relation to identifying which decisions needed to be published, where they would be published, how members could be notified of this, the method of asking for an officer decision to be reviewed, and the process once a request had been accepted.

Resolved:

To note the proposed items

7 **Article 15.3 Changes**

The Focus Group were informed of a change made by the Monitoring Officer under his delegated authority to give effect to the decision of Council on 17 October 2017 in relation to more recorded votes at meetings of Full Council.

Part 4 paragraph 130 of the Constitution had been amended to state:

*Recorded votes shall be taken on all decisions **of Full Council** in respect of setting the authority's budget and determining the level of council tax to be levied; **Policy Framework Items; Councillor Motions; and other substantive items** . The names for and against the motion or amendment or abstaining from voting on these matters will be recorded **and attached to** the minutes.*

8 **Date of Next Meeting**

The date of the next meeting would be 29 March 2018.

9 **Urgent Items**

The Focus Group was advised of work from an Audit Task and Finish Group assessing the role and functions of the Audit Committee and the references throughout the Constitution in relation to that Committee.

Proposals for amendments would be brought to the Focus Group by the Audit Task Group.

(Duration of meeting: 9.00 - 11.00 am)

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