

## CONSTITUTION FOCUS GROUP

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### MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 8 JANUARY 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Jon Hubbard, Cllr Julian Johnson, Mr Paul Neale, Cllr Helen Osborn, Cllr Jeff Osborn and Cllr Stuart Wheeler (Chair)

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#### 1 Apologies

Apologies were received from Councillor Ernie Clark and Miss Pam Turner.

#### 2 Minutes of the Previous Meeting

The minutes of the meeting held on 5 December 2013 were presented for approval. It was,

#### Resolved:

**To APPROVE the draft minutes as a correct record, subject to the addition of a bullet point under Minute 22 - Petition Scheme - to include mention of requests from some members for a report to include proposals for suggested thresholds for a revised petition scheme.**

#### 3 Declarations of Interest

There were no declarations of interest.

#### 4 Part 5: Access to Information Procedure Rules

The Monitoring Officer presented a report updating the Focus Group on additional revisions that had been made to Part 5 of the Constitution - Access to Information Procedure Rules - in response to the comments of the Focus Group at its meeting on 5 December 2013.

Details of the changes were provided, as summarised in the covering report.

The Focus Group discussed the proposed changes, where points including but not limited to the following were raised:

- Further clarification was sought on the use of 'working days' and 'calendar days' in relation to the time limits mentioned. The Monitoring

Officer explained the case law on this issue, which indicated that 'working days' should be used for shorter periods of notice e.g. 5 days and 'calendar' days for longer periods, such as the 28 days specified in this Part. In relation to other periods of time, unless prescribed, a judgment would need to be made as to an appropriate cut-off point after which calendar days are used; the Monitoring Officer suggested that 10 days might be a reasonable cut-off point for this purpose depending on the circumstances.

- Assurance was given by the Monitoring Officer that the provisions on the arrangements for a private meeting were sufficient to withstand legal challenge if applied correctly.
- It was confirmed that the definitions of confidential and exempt information within the section were defined by statute and could not be altered.
- It was agreed that the rights of group leaders and councillors generally to access to Part 2 papers should be clarified within the existing Councillor / Officer Relations Protocol.

At the conclusion of discussion, it was,

**Resolved:**

- (1) To recommend the Standards Committee to approve the proposed revisions to the Access to Information Procedure Rules in Part 5 of the Constitution, as set out in the Appendix to these minutes.**
- (2) To ask the Monitoring Officer to incorporate further guidance on the right of access of group leaders and councillors generally to Part 2 papers within the Councillor / Officer Relations Protocol for consideration by group leaders in the first instance before referral to full council for approval.**

**5 Part 4.1: Petition Scheme**

The Monitoring Officer presented a report proposing changes to Part 4.1 of the Constitution - Petitions - to reflect the repeal of the statutory requirements in relation to petition schemes. This was put forward as a starting point for consideration of the council's future arrangements for petitions.

The Focus Group's discussion included the following points:

- Whilst the requirement for two signatures was on the face of it favourable to the public, there needed to be a means of securing action, such as a council or area board debate, with appropriate trigger points. It was not sufficient to leave it entirely to the discretion of the council to determine what action to take in response to a petition.

- It was noted that under the previous statutory scheme, no petition to the council had reached the threshold necessary (£11,500) to trigger a debate at a full council meeting.
- , and there was debate as to whether the thresholds that had been in place were suitable for a rural county such as Wiltshire.
- It was felt that it was appropriate and desirable in the interests of public engagement and local democracy that there should be a suitable mechanism in place to trigger consideration of issues at Area Boards or the Council where sufficient public concern was demonstrated.
- The Focus Group discussed what a suitable threshold might be for these purposes, for example, 1% of Wiltshire's population to trigger a debate at full Council. The thresholds which had been in place were probably too high for a rural county. It was agreed that further work should be undertaken as to what thresholds to propose, including some research on the approach taken by other authorities.
- It was also noted that the former threshold of 2.5% of the population of the relevant community area necessary to secure a debate at Area Board was likely to be more achievable than the threshold for securing a debate at full council as it was generally easier to engage the public on a local issue rather than one across the whole county area.
- The proposed scheme should include e-petitions, subject to suitable safeguards with regards to security. The merits of restricting these to the council's own petition system or allowing other approved systems was also discussed.
- The scheme will need to specify any age restrictions that should apply.

After debate, it was,

**Resolved:**

**To ask the Monitoring Officer to present a report to the next meeting reflecting the views of the Focus Group as summarised above.**

**6 Part 3 - Scheme of Delegation Progress - Update**

The Monitoring Officer provided a verbal update on progress of the work being undertaken to revise Part 3 of the Constitution. The work involves re-ordering the scheme of delegation to provide greater clarity, ensuring that all statutory references are fully up to date, and reflecting the changes arising from the recent senior management restructure. This work is being done in conjunction with the review of the financial regulations and procedure rules. The Monitoring

Officer anticipated being in a position to submit a first draft at the Focus Group's meeting to be arranged in March 2014.

**Resolved:**

**To note the update.**

7 **Forward Work Plan**

The Focus Group agreed the Forward Plan, as attached to these minutes.

8 **Date of next meeting**

A date for the next meeting was discussed, to take place in mid to late March 2014.

9 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.15 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](mailto:kieran.elliott@wiltshire.gov.uk)

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