

CONSTITUTION FOCUS GROUP

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 28 MAY 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Ernie Clark, Cllr Julian Johnson, Cllr Helen Osborn, Cllr Jeff Osborn, Miss Pam Turner and Cllr Stuart Wheeler (Chairman)

28 **Apologies**

Apologies were received from Councillor Jon Hubbard and Mr Paul Neale.

29 **Minutes of the Previous Meeting**

The minutes of the meeting held on 15 April were presented for consideration and it was,

Resolved:

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

30 **Part 3: Responsibility for Functions and Schemes of Delegation**

A report was presented detailing the additional changes made to the proposed revisions to Part 3 of the Constitution following the meeting of the Focus Group on 15 April, including further definitions and clarifying that the rules regarding the publication of executive decisions do not apply where a report contains confidential or exempt information, as specified in Part 5 of the Constitution - Access to Information Procedure Rules

The Focus Group then examined the revised Part 3, raising points including the following:

Clarity was requested over reference to membership of Area Boards, with a need to emphasise that only the Wiltshire Councillors on a Board could vote on decisions taken under the delegated executive authority devolved to the body, and that using the term 'participants' as opposed to membership could make the relationship clearer.

It was confirmed that the revised membership and voting privileges for the Health and Wellbeing Board would be updated in accordance with the decision of Council at its meeting on 13 May.

Members discussed the inclusion of named Councillors in the sections regarding Cabinet Committees and responsibilities. Following confirmation that should the Leader alter the membership of either Cabinet Committee or Cabinet Membership in general, the Constitution could be amended by the Monitoring Officer under Part 2 Article 15.3 of the Constitution to reflect the change, and that named councillors was necessary for listing the substitutes of the Cabinet Committees and for ease of reference for the public, it was determined it was appropriate to list the relevant councillors by name.

There was some concern raised that the Cabinet Transformation Committee terms of reference included no clear definition of the purpose of the Transformation Programme, and that further detail could be included.

It was confirmed that call-in of officer decisions which were not key decisions had no time limit for being called-in to a scrutiny committee. It was agreed that such decisions should be published on the council's intranet, and that the Standards Committee should confirm with the appropriate Cabinet Member how and when this would be implemented.

At the conclusion of discussion, it was,

Resolved:

That subject to the additional revisions as detailed above, to recommend to the Standards Committee that Council adopt the proposed changes to Part 3 of the Constitution.

31 **Part 11: Procurement and Contract Rules and Protocol 8: Partnership Protocol**

A report was presented on the proposed changes to Part 11 of the Constitution - Procurement and Contract Rules. This would primarily involve amendments to aid understanding, updating to reflect changes in legislation, clarification of the rules on Partnerships and to reflect current council practice.

It was also proposed that much of the procedural detail would be removed from the Constitution and placed into the Procurement Manual on the council's Intranet, as much of the information was technical or statutory, and if further changes were required by statute or regulation, it would be simpler to amend the Manual as well as making the Constitution easier to navigate and comprehend. It was also proposed that Protocol 8 of the Constitution - Partnership Protocol - be removed from the Constitution as its contents were subsumed within the Procurement Manual, apart from a section on collaborative working.

The Focus Group examined the proposed changes, noting the importance of clearly signposting people to additional documents that would be required such as the Procurement Manual. Detail was sought on the rules on the tendering process and technical definitions, and additional wording was suggested to emphasise the need for proper monitoring arrangements.

At the conclusion of discussion, it was,

Resolved:

To request additional revisions be made as detailed above, for final approval at the next meeting of the Focus Group.

32 **Forward Plan and Date of Next Meeting**

The Focus Group noted the date of the next meeting as 25 June, feeding into the next Standards Committee on 9 July, and a briefing for Councillors on any proposed changes on 24 July ahead of Council approval on 29 July.

The proposed Forward Plan was noted, and it was requested that if possible several Protocol items should be brought forward to the next meeting of the Focus Group.

33 **Urgent Items**

There were no urgent items.

(Duration of meeting: 12.00 - 1.45 pm)

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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