

AGENDA

Meeting: **STANDARDS COMMITTEE**
Place: **Committee Room 3, County Hall, Trowbridge**
Date: **Tuesday 26 October 2010**
Time: **2.00 pm**

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Trowbridge, direct line 01225 718371 or email pam.denton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

All public reports referred to on this agenda are available on the Council's website at www.wiltshire.gov.uk

Membership:

Wiltshire Council Members

Cllr Nigel Carter, Cllr Ernie Clark, Cllr Peter Fuller, Cllr Malcolm Hewson, Cllr Julian Johnson and Cllr Ian McLennan

Town/Parish Council Co-opted Members

Mr William Bailey, Mr Craig McCallum, Mr Paul Neale, Mr Robert Oglesby JP, Mr John Scragg, Miss Pam Turner, Mr Keith Wallace and His Hon David MacLaren Webster QC

Independent Co-opted Members

Mrs Jane Bayley, Mr Michael Cronin, Mr Philip Gill MBE JP, Mrs Isabel McCord (Chairman), Mr Ian McGill CBE, Mr Stuart Middleton and Mr Gerry Robson OBE (Vice-Chair)

Part 1

Items to be considered when the meeting is open to the public

1. **Apologies**

2. **Chairman's announcements**

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests.

4. **Public participation**

The Council welcomes contributions from members of the public.

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. The Chairman will, however, exercise her discretion in order to ensure that members of the public have the opportunity to contribute.

Members of the public wishing to ask a question should give written notice (including details of any question) to the officer named above by **12.00 noon on Friday 22nd October**.

5. **Review of the Constitution of Wiltshire Council (Pages 1 - 64)**

Report of the Monitoring Officer is attached

6. **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

Wiltshire Council

Standards Committee

26 October 2010

Review of the Constitution of Wiltshire Council

Summary

The constitution was last reviewed in 2009/10 to ensure it would meet the needs of the new Wiltshire Council. The purpose of that review was to ensure a constitution fit for purpose was in place when Wiltshire Council came into effect as a unitary authority on 1 April 2009.

The Council adopted the new constitution on the basis that the new Council would review the effectiveness of the constitution in light of experience after six months of operation and requested the Standards Committee to undertake the review.

The Standards Committee established a Focus Group on the Review of the Constitution to undertake the detailed work required. The Focus Group has met on four occasions and has recommended a number of changes to the constitution. The revised draft of the constitution reflects the recommended changes.

The Standards Committee's views are sought in order to report back to Council on the outcome of the review and recommend changes to the constitution for adoption by Council on 9 November 2010.

Cabinet at its meeting on 19 October 2010 will receive an update on the outcome of the review and any comments made will be reported to the Standards Committee.

A hard copy of the revised draft constitution will be made available to members of the Standards Committee to assist in its consideration of the outcome of the review.

This report and revised draft constitution will be made available to all members electronically with hard copies available on request from Democratic Services.

Proposals

- (a) **The Standards Committee's views are sought on the following proposals which if agreed will form the basis of recommendations to Council on 9 November:**
- (i) **To approve the changes proposed to the constitution shown as tracked changes on the draft revised constitution, to amend the constitution accordingly and present it to Council on 9 November 2010 for adoption (summary of main changes referred to in Appendix 5).**
 - (ii) **To approve for inclusion in the constitution the Protocol on Partnerships, the Protocol on Guidance to Councillors on Outside Bodies and the Protocol on Governance Reporting Arrangements.**
 - (iii) **To note that the Protocol on Media Relations is still under review and that a revised Protocol will be considered by Group Leaders before being presented to Council as part of the revised constitution.**
 - (iv) **To authorise the Monitoring Officer to make such amendments as are necessary to give effect to decisions of Cabinet, Council or its committees and to ensure that the constitution is clearly presented and legally fit for the purpose of the Council.**
 - (v) **To support the recommendation to designate the current Scrutiny Manager post as Wiltshire Council's Scrutiny Officer to be responsible for the statutory functions as defined in Section 31 of the Local Democracy, Economic Development and Construction Act 2009 (Appendix 3 refers).**
 - (vi) **To thank the Focus Group, its Chairman Mrs Isabel McCord and other members of the Council who contributed to the review for all its valuable work in undertaking the detailed work required to carry out the review.**
 - (vii) **To agree that the Focus Group remains in being to assist with the ongoing review work on the constitution as and when required and specifically to review the constitution in light of any changes in the legislation including the proposed Localism legislation and to amend its terms of reference to reflect this.**

**Ian Gibbons
Monitoring Officer**

Wiltshire Council

Standards Committee

26 October 2010

Review of the Constitution of Wiltshire Council

Purpose of Report

1. To consider the outcome of the review of the constitution with a view to reporting back to Council with recommendations on changes identified during the review.

Background

2. The purpose of the constitution is to:
 - enable the Council to provide clear leadership to the community of Wiltshire in partnership with citizens, businesses and other organisations;
 - support the active involvement of citizens in the process of local authority decision making;
 - help councillors represent their constituents more effectively;
 - enable decisions to be taken efficiently and effectively;
 - create a powerful and effective means of holding decision-makers to public account;
 - ensure that no-one will review or scrutinise a decision in which they were directly involved;
 - ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
 - provide a means of improving the delivery of services to the community;
 - help the Council to focus on its strategic objectives.
3. The last full review of the constitution took place during 2009/10. The purpose of that review was to ensure a constitution fit for purpose was in place when Wiltshire Council came into effect as a unitary authority on 1 April 2009. This included work to ensure that the decision making process of the new council reflected the functions previously administered by the former district councils.

4. Wiltshire County Council at its meeting on 24 February 2009 adopted a revised constitution for use by the new Council. This was on the basis that the new Council would review the effectiveness of the constitution in light of experience after six months of operation. Council also noted that work was ongoing in respect of the Area Boards and Overview and Scrutiny arrangements which would be reflected in the constitution for approval by the new Council.
5. At the Annual meeting On 16 June 2009, Wiltshire Council approved the constitutional arrangements for Area Boards, overview and scrutiny and public participation; a number of additional protocols and amendments of a minor nature for inclusion in the constitution. Council also agreed that a review of the constitution should be undertaken in the light of experience after six months and requested the Standards Committee with its responsibility for oversight of the constitution, to undertake the review.
6. This report sets out the outcome of the review by the Standards Committee.

Focus Group on the Review of the Constitution

7. The Standards Committee at its meeting on 11 November 2009 agreed a process for reviewing the constitution by establishing a Focus Group on the Review of the Constitution (Focus Group) to undertake the detailed work required. The membership of the Focus Group comprised representation from the Standards, Audit and Overview and Scrutiny Organisation and Resources Select Committees and a member from each of the political groups on the Council. The Focus Group was chaired by Mrs Isabel McCord, Independent Member and Chairman of the Standards Committee.
8. Details of the membership and terms of reference of the Focus Group are set out in **Appendix 1**. The Focus Group met on 4 occasions: 15 March, 29 July, 20 September and 8 October. As background information, the minutes of those meetings are attached as **Appendix 2**

Main Considerations for the Council

9. The Council is required to have a constitution in place to ensure that it is able to discharge its functions effectively and lawfully.
10. Whilst the opportunity has been taken to review the entire constitution, many parts of it have not been changed as these are required by legislation and statutory guidance.
11. In adopting the current constitution, it was acknowledged that areas new to Wiltshire Council such as Area Boards, Planning Committees and also the Overview and Scrutiny arrangements would be the subject of review at a later stage. The priority at the time was to have a constitution in place which

provided the necessary decision making framework and processes to discharge these functions effectively. This was the rationale for requesting the new Council to review the constitution in the light of experience after six months.

12. Accordingly, there have been separate reviews of these areas, the outcomes of which have been reflected in the constitution.

Area Boards

13. The Leader of Council undertook a review of the operation of Area Boards as reported to Cabinet on 23 March 2010. The review took into account feedback received during consultation on the operation of Area Boards. The only constitutional implication arising from this review related to amending the Scheme of Delegation to Officers (Part 3B) to include the Area Board and Delegated Decisions checklist for officers. The checklist provides guidance to officers on the issue of when and how to involve local councillors and Area Boards in decisions about local services. As this is very much an operational internal document, the view has been taken not to include it as part of the constitution, but to refer to it in both the Scheme of Delegation to Officers and in the Protocol on Briefing and Information for Local Councillors.
14. The Focus Group at its meeting on 20 September 2010 and 8 October reviewed the sections of the constitution relating to Area Boards and has recommended a number of changes as outlined in the attached summary of main changes at **Appendix 5**. The recommended changes have been reflected in the draft revised constitution.

Development Control

15. A review was undertaken of the operation of the development control service, the outcome of which will be considered by Cabinet at its meeting on 19 October 2010. As far as the constitution is concerned, the review recommends a number of changes to the Scheme of Delegation for Development Control and to the Planning Code of Good Practice for Members of Wiltshire Council Protocol.
16. These proposed changes were considered in detail by the Focus Group at its meeting on 29 July 2010 following presentation by the Service Director for Development and the Cabinet Member for Economic Development, Planning and Housing. The Focus Group was supportive of the general approach that was being taken but made a number of comments which it would like taken into account.
17. Subject to Cabinet's views, the recommended changes have been reflected in the revised draft of the constitution. The decision of Cabinet will be reported to the Standards Committee.

Overview and Scrutiny

18. An interim review of the overview and scrutiny arrangements was undertaken as part of a planned review. One of the outcomes of the review was to establish a Liaison Board which has been meeting on an informal basis. The operation of this Board will be reviewed after 12 months of operation in the light of experience.
19. Slightly amended Articles and Overview and Scrutiny Procedure Rules were considered by the Focus Group at its meeting on 20 September and 8 October 2010 following presentation by the Scrutiny Manager and the Chairman of the Organisation and Resources Select Committee. Apart from a few further minor changes, the amendments were supported by the Focus Group.
20. The Focus Group at its meeting on 29 July 2010 considered a report on the requirement under Section 31 of the Local Democracy, Economic Development and Construction Act 2009 to designate one of the Council's officers as the statutory designated 'Scrutiny Officer'. The Focus Group supported the recommendation to Council to appoint the current Scrutiny Manager post as the Council's Designated Scrutiny Officer. By way of background information, the report considered by the Focus Group and the Organisation and Resources Liaison Board is attached at **Appendix 3**.
21. The Focus Group was advised of progress to develop a Protocol promoting a clear two way relationship between the Executive and Scrutiny. It was noted that this would now form part of a wider governance review called for by the Leader which would focus on backbench member involvement in the Council's decision making process.
22. The issue of whether overview and scrutiny committees should be chaired by members belonging to the majority group on the Council was also 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 some other local authorities. This will be considered further as part of the wider governance review referred to in paragraph 21 above.

Changes previously agreed

23. Councillors may recall that a number of changes to the constitution have been previously agreed by the Council where the changes could not be delayed and considered as part of this review. A summary of those changes is attached at **Appendix 4**.

Main Changes now being proposed

24. The changes now being recommended as a result of this review of the constitution are shown as tracked changes in the draft revised constitution. To further assist Councillors, a summary of the main changes is attached at **Appendix 5**.

Introduction of new Protocols

25. The Focus Group has recommended the inclusion of three new Protocols in the revised constitution as follows:

Protocol 3 – Guidance to Councillors Appointed to Outside Bodies

26. This Protocol sets out the main issues which councillors should consider when appointed by the Council to serve on outside bodies. This is especially important in the context of voluntary sector representation and funding, where the need to ensure transparency and avoid conflicts of interest is paramount.
27. Much of the guidance also applies to councillors who are involved in outside bodies in their private capacity, though the Council's insurance and indemnity arrangements will not apply in these circumstances.
28. The guidance:
- sets out the issues which councillors should consider before accepting appointment to any outside body;
 - deals with the roles, responsibilities and potential liabilities that apply to various types of organisation;
 - provides that councillors should generally be appointed to outside bodies on behalf of the Council as members with observer status only, unless there are exceptional reasons for more formal participation.
 - covers issues relating to the Code of Conduct for Members and pre-determination;
 - summarises the Council's insurance cover and provides for the extension of the officers' indemnity to members and co-opted members
29. It is intended to undertake a review of the Council's appointments to outside bodies in the light of this guidance.
30. Further assistance on this subject will be provided to councillors through information (e.g. Frequently Asked Questions) on the councillors' area of the Council's web-site and councillor development training.
31. This Protocol was considered by the Focus Group at its meeting on 29 July 2010 and, briefly again on 8 October, to update members on some further changes, including the addition of some recent guidance from Standards for England on dual-hatted members, and the proposed extension of the officers' indemnity to cover members. The Focus Group fully supported the Protocol.

Protocol 8 – Partnership

32. Cabinet in May 2007 adopted a framework policy for the evaluation, approval and registration of partnerships in order to strengthen the Council's partnership governance arrangements. This Protocol has now been updated. In order to raise the profile of the governance of partnership arrangements and in recognition of increased partnership activity, it is being recommended for inclusion as a Protocol to the constitution. The Focus Group considered the Protocol on 8 October and apart from a very minor amendment, supported this view.

Protocol 11 - Governance Reporting Arrangements

33. This Protocol documents the governance reporting arrangements for the Council's Cabinet, Audit, Overview and Scrutiny and Standards Committee. It identifies key areas of council activity, the extent of involvement by the executive and non-executive lead committee for each of those activities. This is a useful reference document relating to the decision making structure of the Council and is therefore being recommended for inclusion as a Protocol to the constitution.

Further Review

34. The constitution will need to be reviewed in the light of any new legislation to ensure that it remains lawful and fit for purpose. The proposed Localism Bill in particular, is likely to have a significant impact on the Council's decision making arrangements.
35. The review of the constitution by a representative Focus Group has once again proved to be a very practical and constructive way of undertaking the detailed work required. One of the recommendations in this report is that the Focus Group continues with the same membership to consider any significant further revisions as part of an ongoing review. More specifically, the Focus Group would be asked to review the constitution in light of the Localism Bill and other relevant new legislation and for this to be reflected in its terms of reference.

Consultation

36. All elected and co-opted members of Wiltshire Council were given the opportunity to contribute to the review by completing a questionnaire. Of the 123 questionnaires issued (to 98 elected members and 25 co-opted members), 35 completed questionnaires were received; this equates to a 28.45% response rate. The comments received were taken into account by the Focus Group during the review. A summary of the responses together with a commentary is attached at **Appendix 6**.
37. Using the Parish Newsletter, town, parish and city councils were advised that the constitution was being reviewed and invited to submit their comments to

help inform the review. No responses other than a few requests for further information on specific areas of the constitution were received. Town, parish and city councils were specifically consulted on the main areas of interest namely, the operation of Area Boards, development control and the operation of Planning Committees.

38. The Focus Group was keen to seek the views of members of the public, although it recognised that a number of the documents which make up the constitution might not generate much public interest. The Focus Group therefore agreed a series of questions for inclusion in an online snap survey which centred on public engagement and participation at meetings, details of which were reported to Councillors in the Elected Wire dated 1 October 2010. Whilst a response of only 28 completed surveys is not representative, the comments received will be taken into consideration in seeking to increase public engagement.
39. Cabinet at its meeting on 19 October 2010 will receive an update on the outcome of the review. Any observations or views made by Cabinet will be reported to the Standards Committee.

Environmental Impact of the Proposal

40. None.

Equalities Impact of the Proposal

41. The constitution as amended complies with the Council's obligations under equalities legislation and its Equality and Diversity Policy.

Financial Implications

42. Work on this project has been undertaken within existing resources. There will be a relatively minor cost in the printing of the constitution, although as far as possible the emphasis will be on providing electronic copies of the document. It is recognised that a user-friendly summary of how members of the public can engage in the decision making process of the Council is needed. This is an area that the Focus Group could be asked to consider along with any financial considerations.

Legal Implications & Risk Assessment

43. The Council is required to have a constitution in place to ensure it is able to discharge its functions effectively and lawfully.

Conclusion

44. This essentially concludes the review of the constitution requested by the Council. Generally the constitution has been fit for purpose and worked effectively in meeting the objectives in paragraph 2. Further work is to be undertaken in consultation with Group Leaders on the revision of the Protocol on Media Relations, which will be presented to the Council on 9 November with the proposed revisions to the constitution. A further review of the constitution will be necessary once the proposals in the Localism Bill and other relevant new legislation are clear.

IAN GIBBONS
MONITORING OFFICER

Report Author:

Yamina Rhouati
Democratic Governance Manager

Appendices:

Appendix 1	-	terms of reference and membership of Focus Group
Appendix 2.1	-	minutes of the Focus Group – 15 March 2010
Appendix 2.2	-	minutes of the Focus Group – 29 July 2010
Appendix 2.3	-	minutes of the Focus Group – 20 September 2010
Appendix 2.4	-	minutes of the Focus Group - 8 October 2010
Appendix 3	-	Report – Designated Scrutiny Officer
Appendix 4	-	Summary of previously agreed changes to constitution
Appendix 5	-	Summary of main changes now proposed
Appendix 6	-	Summary of questionnaire responses from members

Background Papers

None

FOCUS GROUP ON THE REVIEW OF CONSTITUTION

TERMS OF REFERENCE

To note the following terms of reference as agreed by the Standards Committee at its meeting on:

Terms of reference:

- To provide a forum for engagement in the review of the constitution.
- To consider the effectiveness of the constitution in the light of the past six months experience of operating the current constitution to ensure that it is legally sound, fit for purpose and continues to serve the interests of all the people of Wiltshire.
- To consider the views of
 - elected and co-opted members of the Council
 - officers
 - decision making bodies of the Council as appropriate
 - town, parish and city councils and
 - members of the public

ascertained through questionnaire responses and appropriate methods of communication and make appropriate recommendations

- To offer a councillor perspective on and accordingly to influence key issues within the constitution.
- To keep the Standards Committee informed of progress on the review of the constitution.
- To advise the Standards Committee of final recommendations on any changes to the constitution for report to Cabinet for consideration and onward recommendation to Council.

Membership

- (i) a member from each group on the Council nominated by group leaders;
- (ii) a member of the Overview and Scrutiny Management Resources Select Committee;
- (iii) a member of the Audit Committee;

- (iv) two independent members and one town and parish representative of the Standards Committee as detailed above;
- (v) that the Focus Group be chaired by one of the Independent members of the Standards Committee;
- (vi) that appropriate Councillors and Officers be invited to attend as and when requested by the Focus Group or its Chairman to assist it in its work.

MEMBERSHIP

- (vii) a member from each group on the Council nominated by group leaders;
- (viii) a member of the Overview and Scrutiny Management and Resources Select Committee;
- (ix) a member of the Audit Committee;
- (x) two independent members and one parish council representative of the Standards Committee nominated by the Committee;
- (xi) that the Focus Group be chaired by one of the Independent members of the Standards Committee;
- (xii) that appropriate Councillors and Officers be invited to attend as and when requested by the Focus Group or its Chairman to assist it in its work.

Group Representatives:

Cons	Cllr Stuart Wheeler
Lib Dem	Trevor Carbin (replaced for last meeting by Cllr Jon Hubbard)
Ind	Cllr Christopher Newbury
Dvz Gdns:	Cllr Nigel Carter
Labour	Cllr Ricky Rogers

Overview & Scrutiny Rep:

Cllr Tony Trotman

Audit Committee Rep:

Cllr Peter Doyle

Standards Committee reps:

Mrs Isabel McCord	(Independent member)
Mr Stuart Middleton	(Independent member)

Mr Paul Neale	(Parish Councillor)
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FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION

MINUTES OF THE FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION MEETING HELD ON 15 MARCH 2010 AT COMMITTEE ROOM NO. 3, COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Nigel Carter, Cllr Peter Doyle, Mrs Isabel McCord,
Mr Stuart Middleton, Mr Paul Neale, Cllr Christopher Newbury, Cllr Anthony Trotman
and Cllr Stuart Wheeler

1. **Apologies**

An apology for absence was received from Councillor Ricky Rogers.

2. **Introductions**

The Chairman invited all Councillors and officers to introduce themselves.

3. **Election of Chairman**

It was noted that the terms of reference of the Focus Group stated 'that the Focus Group be chaired by one of the Independent members of the Standards Committee'. The Group was therefore invited to elect its Chairman from Mrs Isabel McCord and Mr Stuart Middleton.

Resolved:

That Mrs Isabel McCord be elected Chairman of the Focus Group.

4. **Terms of Reference and Membership of Focus Group**

The Focus Group's attention was drawn to its terms of reference and membership as agreed by the Standards Committee on 11 November 2009 as follows:

- To provide a forum for engagement in the review of the constitution.

- To consider the effectiveness of the constitution in the light of the past six months experience of operating the current constitution to ensure that it is legally sound, fit for purpose and continues to serve the interests of all the people of Wiltshire.
- To consider the views of
 - elected and co-opted members of the Council
 - officers
 - decision making bodies of the Council as appropriate
 - town, parish and city councils and
 - members of the public

ascertained through questionnaire responses and appropriate methods of communication and make appropriate recommendations

- To offer a councillor perspective on and accordingly to influence key issues within the constitution.
- To keep the Standards Committee informed of progress on the review of the constitution.
- To advise the Standards Committee of final recommendations on any changes to the constitution for report to Cabinet for consideration and onward recommendation to Council.

Membership

- (i) a member from each group on the Council nominated by group leaders;
- (ii) a member of the Overview and Scrutiny Management Resources Select Committee;
- (iii) a member of the Audit Committee;
- (iv) two independent members and one town and parish representative of the Standards Committee as detailed above;
- (v) that the Focus Group be chaired by one of the Independent members of the Standards Committee;
- (vi) that appropriate Councillors and Officers be invited to attend as and when requested by the Focus Group or its Chairman to assist it in its work.

Resolved:

That the above terms of reference and membership of the Focus Group on the Review of the Constitution be noted.

5. **Review of the Constitution**

(a) **Background**

The Chairman presented the report considered by the Standards Committee at its meeting on 11 November 2009 which established the Focus Group and set out the background to the review.

Resolved:

That the report be noted.

(b) **Scope of the Review**

The Chairman sought the Focus Group's views on the level the review should take.

The last review was undertaken during 2008/09 which culminated in most parts of the constitution being adopted by the then Wiltshire County Council on 1 April 2009. The remaining elements of the constitution were adopted by Wiltshire Council in June 2009.

It was noted that separate reviews were taking place in respect of Area Boards, Development Control and Overview and Scrutiny arrangements. In light of this and subject to the views of the Focus Group, officers were proposing a light touch review of the remaining elements of the constitution for this review. The outcome of the separate reviews would be presented to the Focus Group to consider any constitutional implications.

A table listing each Part and Protocol of the constitution was presented which summarised the level of change required where appropriate. It was noted that parts of the constitution which at this stage would not require change might need to incorporate consequential amendments as a result of changes elsewhere in the constitution.

The Focus Group considered how best to engage town and parish councils and members of the public in the review. The Parish Newsletter was cited as a good way of carrying out any consultation with town and parish councils. It was however, noted that town and parish councils had already been consulted on the two major areas of interest to them, namely the operation of Area Boards and planning committees, the latter by way of the review of development control. It was agreed that consultation on these areas should not be duplicated.

A comment was made that a number of elements of the constitution such as the Financial Regulations which whilst important, would probably be of little interest to the public or town and parish councils.

Cllr Doyle commented that there should be greater correlation between the Area Board Handbook, the relationship with Community Area Partnerships and the section on Area Boards within the constitution. The Monitoring Officer explained the time constraints during the last review in relation to compiling the Handbook and the section on Area Boards which had been done in parallel.

The Focus Group requested that the section in the constitution on the Corporate Parenting Panel be reviewed to ensure it complied with the Council's responsibilities for Looked After Children and Safeguarding Children.

Resolved:

(i) That the following officers be requested to attend future meetings of the Focus Group to consider the under mentioned areas:

- **Steve Milton, Head of Community Governance:**
To consider how best to reflect Area Boards within the constitution and having regard to the Area Board review.
- **Brad Fleet, Service Director for Development:**
To consider the outcome of the review of Development Control.
- **Paul Kelly, Overview and Scrutiny Manager:**
To consider the Overview and Scrutiny arrangements.

(ii) That the section on the Corporate Parenting Panel in the constitution be reviewed to ensure it complied with the Council's responsibilities for Looked After Children and Safeguarding Children.

(iii) That a work plan be presented to the next meeting to detail the timescales involved in completing the review by the Focus Group for submission to the Standards Committee, Cabinet and Council.

6. Questionnaire

The Chairman presented a draft questionnaire for the Focus Group's consideration. The questionnaire once agreed would be distributed to all elected and co-opted members of the Council with a view to establishing their views on the constitution to inform the review of the document.

The Focus Group amended the wording of the last question to read as follows to give an opportunity to make any general comments:

'Are there any other issues arising from how the Council operates in relation to the Constitution which you would like the Focus Group to consider?'

The Focus Group also requested a suitably worded introduction to the questionnaire to explain the background to the review, the fact that separate reviews were being undertaken in respect of Area Boards and development control and scrutiny and how their comments would be used. The Focus Group was reassured that an explanatory letter would accompany the questionnaire. The Focus Group also requested that members be given one month to respond to the questionnaire and that a reminder be issued after two weeks to try and maximise the response rate.

Resolved:

That the questionnaire as amended be circulated to all elected and co-opted members of the Council as outlined above.

7. **Date of Next Meeting**

To be agreed.

(10.30 am – 12.40pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line , e-mail

Press enquiries to Communications, direct line (01225) 713114/713115

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FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION

MINUTES OF THE FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION MEETING HELD ON 29 JULY 2010 AT COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Nigel Carter, Cllr Peter Doyle, Gibbons, Mrs I McCord, Mr S Middleton, Mills, Mr Paul Neale, Cllr Christopher Newbury, Rhouati (Secretary), Cllr Ricky Rogers, Cllr Anthony Trotman and Cllr Stuart Wheeler

Also Attendance:

Cllr John Brady – Cabinet member for Economic Development, Planning and Housing
Cllr Jeff Osborn – Chairman of Organisation and Resources Select Committee

8. **Apologies**

There were none.

9. **Minutes**

Resolved:

To confirm as a correct record and sign the minutes of the meeting held on 15 March 2010.

10. **Proposed changes to the Constitution resulting from the review of the Development Control Service.**

The Chairman welcomed Cllr John Brady, Cabinet member for Economic Development, Planning and Housing and Brad Fleet, Service Director of the Development Service who explained the background to the review of the development control service.

All members of Wiltshire Council and town, parish and city councils had been given an opportunity to comment on the review. Views had been sought on six areas in particular, namely the scheme of delegation to officers; the Planning Code of Good Practice; training; communication; what was and was not working well and an opportunity to comment, highlight any concerns or provide suggestions about the service. Details from the feedback from this consultation

were presented. The initial findings and recommendations from the review were considered by Cllr Brady together with the Chairmen and Vice-Chairmen of the four Area Planning Committees and the Strategic Planning Committee at a meeting held on 12 May 2010. At that meeting, the majority of the recommendations were supported. A report incorporating the views expressed at that meeting together with the comments from this Focus Group would be presented to Cabinet with any constitutional implications being presented to Council for final approval.

The report of the Service Director concentrated on those recommendations which were likely to have implications for the constitution. It was noted that there were other recommendations which related to operational and practical considerations but would have no impact on the constitution.

Cllr Brady added that consultation had taken place with 'people at the coalface' and the review had looked in detail at controversial areas such as 'call in' and the issues that surrounded this, such as the large geographical area in which 'call in' operates. It was also acknowledged that there were subtle differences between how Planning Committees operated. It was hoped that adopting best practice in the light of experience would help to promote uniformity and consistency between the Planning Committees of the Council.

The focus group considered in detail each of the recommendations and formed a view on whether or not they should be supported or amended.

Resolved:

That the Focus Group's views on the recommendations concerning the review of development control be as follows:

(a) Scheme of Delegation

1. Amend the Scheme of Delegation specific to planning (Part 3C) to Officers to expand the types of application which can be called in by Members to include Listed Building & Conservation Area Consents and Advertisements.

Supported by the Focus Group.

2. Re-write and simplify guidance on Member call in procedure for planning applications and ensure officers confirm what action they are taking.

Supported by the Focus Group.

It was also agreed to include in the weekly list the date by which an application may be called in.

3. Retain current practice of Division Member only call in unless the Chairman has discussed the application with Members who may have conflicting views, and then decides to call the application in.

**Supported by the Focus Group.
Further clarification sought on the situation when the
Chairman is the Division member.**

4. Amend the Scheme of Delegation specific to planning (Part 3C) to Officers to confirm that the Director of the Service has delegated power to make changes to conditions approved at committee provided this is in line with the principles of the committee's decision. (Examples would be where there are clear errors/typos in conditions, to reflect changes in circumstances between a meeting and issue of a decision or a need to add to a condition or reword a condition to ensure that it complies with policies and legal guidance. Any changes to be reported back to a subsequent meeting for Members to note.

Supported by the Focus Group.

5. Amend the Scheme of Delegation to include determining the requirements for and amending when necessary the local validation list for planning applications.

Supported by the Focus Group.

6. Remove any ambiguity about what constitutes a 'senior officer' (private applications submitted by them will have to go to Committee if objections are received) by defining this in the scheme as follows: -

A 'senior officer' within the Development Service will mean a Team Leader, Area Development Manager or the Service Director. In respect of other council services, a 'senior officer' will mean any Service Director, Corporate Director or the Chief Executive.

The Focus Group expressed some reservation over this recommendation. The Service Director explained the staffing structure within the Planning Service and the safeguards which existed. However, the Focus Group considered that this was more about public perception and considered that private applications by any member of the planning service should be included.

The Focus Group requested officers to provide a clearer definition of what constitutes a senior officer taking on board its comments.

7. Revise the Scheme of Delegation to clarify that applications submitted on **behalf** of the council by senior officers will not be treated differently from other applications. (Council applications submitted by senior officers will be treated in exactly the same manner as applications submitted by the public. Objections will not automatically trigger committee consideration).

Supported by the Focus Group.

8. Amend the Scheme of Delegation to include the 'discharge' of conditions.

Supported by the Focus Group.

9. Amend the Scheme of Delegation to clarify that similar considerations apply to both the council's own Regulation 3 applications and the public's in respect of triggering consideration by the Strategic Planning Committee.

Supported by the Focus Group.

10. Where an appeal has been lodged against a planning decision and Counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the Council's case or that there is a substantial risk of costs being awarded against the Council, officers be authorised to inform the appellant and the Planning Inspectorate that the Council will not seek to defend that reason(s) at appeal.

Supported by the Focus Group on the basis that this would only apply where time constraints did not allow for referral back to the committee when the decision would be taken following consultation with the Chairman.

(b) The Planning Code of Good Practice

1. Amend the Planning Code of Good Practice so that it states that Division Members can nominate a substitute to undertake their planning duties, including 'call in' when they have a conflict of interest and are absent due to holidays or illness.

Supported by the Focus Group - to be reworded to incorporate the Chairman's ability to nominate a substitute where a member is unable to appoint their own substitute and for this to be included within the Scheme of Delegation for Planning.

2. That the order of events at committee meetings be amended to the following: -
- a) The planning officer will introduce each item and set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting.
 - b) Committee Members will then ask the officer to clarify any points/ask technical questions.
 - c) Members of the public who wish to make representations opposing the application will then be invited to do so.
 - d) Members of the public/applicant/agent (in this order) who wish to make representations in support the application will then be invited to do so.
 - e) Consultees who wish to make representations will be invited to do so.
 - f) The town/city or parish council representative, if present, will then be invited to make representations.
 - g) The division member will be invited to make representations*.
 - h) The planning officer will then have an opportunity to respond to comments or provide clarification of any points raised.
 - i) The chairman will then normally ask if anyone is prepared to move the officer recommendation, or table an alternative or move that the application be discussed. Once a motion has been seconded it will be open to the councillors to discuss the application and ask further questions of officers.
 - j) If necessary the chairman will then again ask if anyone is prepared to move the officer recommendation, or table an alternative.

* Any division member, be they a member of the committee or not is welcome to attend committee meetings and make representations on any application within their division. Councillors who are part of the committee will have voting rights but those who are not can speak, but are not eligible to vote. Division members who are not on the committee may be invited to participate in any debate on an application in their division at the chairman's discretion.

Supported by the Focus Group subject to the following amendment:

For the purposes of clarity and to be consistent with the Rules of Debate (Part 4) to reword paragraph (i) and consider the necessity of (j) above.

3. At the chairman's discretion the Democratic Services Officer can issue a clear 30 second warning during all public contributions.

Supported by the Focus Group.

4. Cabinet consider introducing mileage payments (or an allowance) for planning committee members who undertake individual pre-meeting site inspections. Any claims to be annotated with the relevant application number(s). (This was discussed at the chairmen's meeting where there was no consensus. The chairmen asked that this matter be considered and decided upon by Cabinet.)

Recommendation to Cabinet

It was noted that the Independent Remuneration Panel had considered this but did not recommend it on the basis that such incidental costs were included within members' basic allowance.

5. Amend the Code to clarify that parish/town/city councils have an individual slot to make representations at committee. Only one representative per council (representing the council's views, rather than their own individual thoughts!) will be allowed to speak. Where an application site covers more than one parish, one representative from each of the affected parishes may speak.

Supported by Focus Group.

6. Add a section to the Code of Good Practice explaining that in certain circumstances, Councillors could be expected to act as the council's appeal witness. Alternatively, consultants can be engaged to defend the appeal where a Member is unavailable.

Supported by Focus Group – to be reworded to clarify that the Committee would be asked to agree on who would be involved in defending an appeal should one be lodged at the point where the committee resolves to refuse an application contrary to an officer recommendation.

11. **Overview and Scrutiny**

The Chairman welcomed Paul Kelly, Scrutiny Manager and Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee to the meeting.

a) Overview and Scrutiny Arrangements

Paul Kelly explained the background to the current overview and scrutiny arrangements which comprised four Scrutiny Select Committees with each having the ability to appoint Task groups.

An interim review of arrangements included the establishment of a Liaison Board, albeit on an informal basis. The Liaison Board, acting as an overarching body comprised the Chairmen and Vice-Chairmen of the four Scrutiny Select Committees and also had the responsibility of managing the overview and scrutiny function and development of the scrutiny arrangements.

Paul Kelly explained that development of the scrutiny arrangements was currently taking place and he would be able to report the outcome of the review to the next meeting of the Focus Group.

Cllr Jeff Osborn emphasised the need for the Overview and Scrutiny function to add value to the organisation as a critical friend. He also referred to the need to publicise the role of Scrutiny to the public. The main focus of work had been on the creation of the new Liaison Board, which had been considering the development of the scrutiny arrangements. Consideration was being given to whether the Liaison Board should act as an overarching body or be an independent Select Committee.

Cllr Osborn also referred to an Executive/Scrutiny Protocol which was being developed with the aim of establishing and documenting a clear two way relationship between the Executive and Scrutiny. The Protocol would be considered by the Corporate Leadership Team in the first instance before being presented to the next meeting of the Focus Group for its input.

Paul Kelly commented on the questionnaire responses regarding scrutiny. These would also be brought to the attention of the Focus Group when it considers the review of scrutiny arrangements at its next meeting.

Resolved

To note the update on the current overview and scrutiny arrangements and to consider the revised arrangements at the next meeting (20 September 2010).

b) Appointment of Designated Scrutiny Officer

The Focus Group considered a report which explained the requirement under S.31 of the Local Democracy, Economic Development and Construction Act 2009 to designate one of its officers as the 'Scrutiny Officer'. The designated officer may not be the head of paid service, the monitoring officer or chief finance officer.

The designated officer would be responsible for discharging a number of functions as outlined in the report.

The Scrutiny Manager's current job description included to a large extent the functions intended for the designated scrutiny officer and it was therefore considered that operationally, it would make sense for the Scrutiny Manager to be designated formally in this way. The views of the Focus Group were sought in relation to the constitutional implication of including the designation within Article 13 where it sets out the statutory designated posts. The proposal would be progressed to Council for formal approval.

The Focus Group agreed with the proposal to formally designate the Scrutiny Manager as the designated Scrutiny Officer and for consideration to be given as to whether the Scrutiny Manager's job description required revision to reflect this new statutory duty.

Resolved

To recommend Council to designate the current Scrutiny Manager post as Wiltshire Council's Scrutiny Officer to be responsible for the statutory functions set out in paragraph 3 of the report presented with immediate effect and to amend the Constitution accordingly.

12. **Guidance to Councillors Appointed to Outside Bodies**

Ian Gibbons, the Monitoring Officer presented a report and guidance for the Focus Group's initial comments. The guidance set out the main issues which Councillors should consider when appointed by the Council to serve on outside bodies and supplemented advice included in paragraph 13 of the Councillor/Officer Relations Protocol. The guidance covered issues to consider before appointment; application of the Code of Conduct for Councillors; the legal status of outside bodies, capacity of appointment, duties and liabilities and insurance and indemnity.

It was generally agreed that the guidance was very comprehensive and would be very helpful to Councillors. The Focus Group considered that the issues covered in the guidance would apply equally to Councillors representing organisations in their private capacity and asked for this to be emphasised in the guidance. The Focus Group sought clarification on the definition of 'acting in bad faith' as referred to in paragraph 18 and asked for the guidance to specifically refer to Community Area Partnerships.

Resolved

That subject to the comments made by the Focus Group being taken on board, the Guidance to Councillors Appointed to Outside Bodies be endorsed and recommended for adoption.

13. **Governance Reporting Arrangements**

The Focus Group considered a draft schedule which sought to clarify the reporting lines for the Council's governance responsibilities between the Cabinet and the Audit, Overview and Scrutiny and Standards Committees. The schedule reflected the terms of reference of those bodies and indicated which non-executive committee would normally be treated as the lead for the governance area concerned. It was noted that other non-executive committees may of course have an interest in the subject matter and this was also illustrated in the schedule.

The schedule provided a 'rule of thumb' guide to determining lead responsibility. It may however be necessary to review the position in the light of the particular business under consideration. Subject to the Focus Group's comments, it was proposed to include the document as a protocol to the constitution.

Resolved

To endorse the Governance Reporting arrangements for inclusion as a Protocol to the Constitution.

14. **Questionnaire Responses**

At its last meeting on 15 March 2010, the Focus Group agreed a questionnaire for circulation to all elected and co-opted members of Wiltshire Council. Any feedback in the form of responses to the questionnaire would then be used to help inform the review of the constitution.

Of the 123 questionnaires issued (to 98 elected members and 25 co-opted members), 35 completed questionnaires had been received which equated to a 28.45% response rate. The efforts undertaken to maximise the response were outlined.

Due to time constraints at this meeting, it was agreed to note the responses to the questionnaires which would be used at subsequent meetings when reviewing the various parts of the constitution.

Resolved:

To note the responses to the questionnaire which would be considered at subsequent meetings in the review of the various parts of the constitution.

15. **Update on Changes Made**

For the Focus Group's information, a schedule was presented which showed changes to the constitution previously approved by Council since the new Constitution was in place on 1 April 2009.

Resolved:

To note the schedule of changes to the Constitution as previously agreed by Council.

16. **Index of Constitution**

The Focus Group received an updated index to the constitution which showed the current position on the review of the constitution broken down into each part.

Resolved:

To note the Index.

17. **Future Work Programme**

The Focus Group considered its work programme for its next two meetings which were agreed as follows:

20 September 2010 at 10.00am
8 October 2010 at 10.00am

It was noted that a special meeting of the Standards Committee would be arranged for the purposes of considering the recommendations from this Focus Group and to make recommendations to Cabinet on 19 October 2010 which in turn would then make recommendations to Council on the outcome of the review of the constitution.

18. **Public Consultation**

The Chairman sought the Focus Group's views on a series of questions for use in an online survey to ascertain the views of members of the public on aspects of the constitution dealing mainly with public participation and public engagement. Due to the time constraints of the meeting, members were asked to give the questions some thought and forward any comments or suggestions to Yamina Rhouati.

(Duration of meeting: 10.00 am - 1.40 pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line , e-mail

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FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION

MINUTES OF THE FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION MEETING HELD ON 20 SEPTEMBER 2010 AT COMMITTEE ROOM VII - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Nigel Carter, Cllr Peter Doyle, Mrs I McCord (Chair), Mr S Middleton, Mr Paul Neale, Cllr Ricky Rogers, Cllr Anthony Trotman and Cllr Stuart Wheeler

Also Present:

Cllr Jeff Osborn

19. Apologies

An Apology for Absence was received from Councillor Newbury.

20. Declarations of Interest

There were none.

21. Minutes of Last Meeting

Resolved:

To confirm as a correct record and sign the minutes of the meeting on 29 July 2010.

22. Review of the Constitution

22a. Overview and Scrutiny - Parts 2 and 8

The Chairman welcomed Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee and Paul Kelly, Scrutiny Manager to the meeting for this item.

The Scrutiny Manager presented a report on the overview and scrutiny arrangements together with details of the proposed changes to the articles and procedure rules for overview and scrutiny. These changes had been made

following a review by the Scrutiny Manager in consultation with the Chairman and Vice-Chairman of the Liaison Board.

It was noted that the changes made were minor as the procedure rules in particular, provided only the framework for overview and scrutiny. It was more about the application of these procedure rules which to a large extent had more to do with the style and culture of the Council's scrutiny process than the rules themselves.

A discussion ensued on the issue of chairmanship of the scrutiny select committees. Concern had been raised that of the 8 leading positions on scrutiny, 6 were held by the majority group. There were differing schools of thought with one being that given the primary purpose of scrutiny select committees was to hold the executive to account, they should be chaired by members not belonging to the majority group. Another school of thought was that the scrutiny process should be non partisan with a reliance on evidence based information and therefore each scrutiny select committee should continue to have the ability to elect its own chairman. The Scrutiny Manager was requested to obtain information on the arrangements adopted by other councils with a view to establishing best practice on this issue and report back to the next meeting of the Focus Group.

The Scrutiny Manager reminded the Focus Group that he had at the last meeting referred to the Executive/Scrutiny Protocol. The Protocol sought to establish and document a clear two way relationship between the Executive and Scrutiny. It had been hoped to bring details of the Protocol to this meeting following consideration by the Corporate Leadership Team (CLT). Unfortunately, due to other pressures, CLT had not yet considered the Protocol. Cllr Wheeler undertook to try and bring it to the attention of Cabinet Liaison to enable consideration by the Focus Group at its next meeting.

The status of portfolio holders was also considered. Portfolio holders were those members appointed by the Leader to assist Cabinet members and act as a resource for other members of the Council. Whilst their contribution was considered to be a valuable one, the issue was the extent to which they could be involved within the scrutiny arena without being conflicted out particularly on executive issues. The Monitoring Officer clarified that although Portfolio holders held no decision making powers, there was an issue around the perception of having a conflict of interest.

Cllr Osborn added that some councillors considered that ruling out the 13 Portfolio holders from the scrutiny process would reduce the number of backbench members involved in the scrutiny process at a time when more involvement was required.

Resolved:

- (a) To consider and approve the proposed changes to the overview and scrutiny elements of the Constitution as a result of the review as set out in appendix 1 of the report presented subject to the following amendments:

Part 8 Overview and Scrutiny Procedure Rules

Paragraph 9 – to make reference to the schedule on Governance Reporting Arrangements

- (b) To note the discussion paper at appendix 2 of the report presented on an intended Executive/Scrutiny Protocol and that the Protocol be considered at the next meeting of the Focus Group following consideration by CLT/Cabinet Liaison.
- (c) To note that national changes impacting on the statutory overview and scrutiny function would need to be reflected in the Constitution where appropriate at the time.
- (d) To note the issues raised concerning chairmanship of the Scrutiny Select Committees. That the Scrutiny Manager be requested to obtain details of arrangements which exist at other authorities with a view to establishing best practice on this issue for report to the next meeting.

22b. **Area Boards - Parts 2 and 3**

The Chairman welcomed Steve Milton, Head of Community Governance to the meeting for this item. Steve Milton responded to the questions raised by members through the questionnaire on the constitution.

A debate ensued during which the committee considered these responses and acknowledged the varying circumstances of the different Area Boards and their operation.

A discussion ensued on the issue of 'dual hatted' members where this leads to conflicts of interests and the process to obtain a dispensation from the need to declare interests. Members acknowledged the need for transparency but considered that the dispensation process should be simplified.

Attendance levels at Area Boards were said to be very good although the majority of those attending belonged to the various groups represented on the Area Boards. Members considered that agendas should have a degree of public interest items to encourage attendance rather than having agendas weighted with corporate items such as consultations. Concern had been expressed over the number of major consultations occupying much of the Area Boards time

recently eg waste, leisure and parking. The length of agendas was also considered to be an issue at some meetings.

Steve Milton referred to the outcome of the Leader's review on Area Boards. One of the outcomes of that review was to include the Area Boards and Delegated Decisions – A checklist for officers within the scheme of delegation to officers (Part 3 B). He also referred to the increased funding being made available to Area Boards.

A discussion ensued on the Area Board handbook, its format and presentation, level of detail, progress with its review and the need to ensure consistency with the constitution.

Steve Milton confirmed that the Handbook was being reviewed although it was difficult to finalise it due to other potential influencing factors such as knowing the full extent of the implications of the Localism Bill. He agreed that from the point of view of Area Board participants it was far too long and detailed but that from an operational point of view some level of detail was required. One of the options considered was having a summarised version.

The Focus Group considered the articles and Part 3 in so far as they related to Area Boards.

Resolved:

- (a) To note the presentation on Area Boards from the Community Governance Manager.**
- (b) To agree the following changes:**
 - **Article 10.2 c. – to include 'Wiltshire Fire and Rescue Service'**
 - **Article 10.2 c. – to distinguish between the standing membership and other participatory groups.**
 - **Article 11.1 – to insert a section on 'dual hatted' members and dispensation.**
 - **Part 3 – paragraph 4.9 – to clarify that a Cabinet member would attend those area boards which do not have a Cabinet member as a standing member of the Area Board.**
 - **Area Board Handbook – to include information on how groups could become involved in Area Boards as regular participants.**

22c. Contract Regulations - Part 11

As part of the review of the constitution, the opportunity had been taken to review the Council's Contract Regulations. The Chairman welcomed Tony Brett, Head of Procurement who presented the draft revised Regulations for the Focus Group's consideration.

It was noted that the Regulations had undergone a light-touch review, mainly responding to the revisions in EU procurement thresholds and other directives and to provide greater clarity to the reader over their responsibilities to comply with this section of the constitution.

The revised draft had been formulated by a dedicated group of officers comprising the Head of Procurement, Procurement Departmental Business Partners and the Senior Commercial Solicitor.

A detailed discussion took place on various aspects of the draft revised Regulations summarised as follows:

- Paragraph 4.2 makes reference to extensions of contract. The Focus Group asked for specific reference to extensions to include how contracts would be reviewed and scrutinised prior to extending. To ensure that continued extensions of a contract would not result in breaching the EU Regulations ie an extended contract should not be significantly at variance with the original contract otherwise it could warrant a fresh tendering exercise depending on the magnitude of the changes made. To ensure that Value for Money issues were taken into account when extending contracts.
- To include provision for ensuring that financial controls were in place to ensure contracts were affordable.
- Opening of Tenders – In order to secure member involvement at the opening of tenders stage, to include provision for contracts which had been the subject of Cabinet approval, the relevant Cabinet member be given the opportunity to be present at the opening of the tender in relation to that contract.
- Framework Agreements – to include more explicit information relating to these types of agreements.
- The removal of named individuals from the document.
- For appendices to be correctly labelled.

Resolved:

That the draft Contract Regulations be amended to take into account the above changes and be brought back to the next meeting highlighting the changes made as tracked changes for ease of identification.

22d. **Council Rules of Procedure**

Petition Scheme

John Quinton, Head of Democratic Services explained that the Local Democracy, Economic Development and Construction Act 2009 imposed a duty on local authorities to respond to petitions and to tell local people what action is going to be taken. In response to this, Annual Council at its meeting in May 2010 adopted a Petition Scheme and asked the Focus Group to review it as part of the review on the constitution. Accordingly, the Petition Scheme was presented for the Focus Group's consideration.

John Quinton explained how the Petition Scheme operated and the various signee thresholds. Council in adopting the Petition Scheme was keen to emphasise that it should supplement not replace the Council's existing scheme which was more generous than the new legislation required. Details of the Petition Scheme had been posted to the Council's website and the e-petition scheme which enabled petitions to be lodged electronically would go live shortly to initially trial it.

The section on Petitions within Part 4 – Rules of Procedure – Council had been amended in the draft constitution to reflect the Petition Scheme. The Focus Group whilst content with the Petition Scheme itself requested that the suggested wording for Part 4 be amended to distinguish between the mandatory scheme and the Council's own discretionary scheme.

Par 4 - Rules of Procedure - Council

Yamina Rhouati, Democratic Governance Manager invited the Focus Group to consider Part 4 – Rules of Procedure - Council. Due to time constraints, members were asked to consider in particular the sections on:

- Public Participation
- Public Questions
- Member Questions
- Motions on Notice

To facilitate debate, suggested revisions were presented for the Focus Group's initial views before submitting them to the next meeting for more detailed consideration.

Resolved:

That Part 4 – Rules of Procedure – Council be considered in more detail at its next meeting.

That due to constraints of time, the following items at minute no. 27 and 28 be deferred until next meeting on 8 October 2010.

22e. Protocol (i) - Briefing and Information for Local Members

Resolved:

That this item be deferred to the meeting on 8 October 2010.

22f. Protocol (vi) - Media Relations

Resolved:

That this item be deferred to the meeting on 8 October 2010.

23. Date of Next Meeting

The next meeting will be held on Friday 8 October 2010 at 10:00am to consider the following areas:

Part 3B – Scheme of Delegation to Officers

Part 4 – Rules of Procedure – Council

Part 6 – Budget Policy and Framework

Part 11 - Contract Regulations

Overview and scrutiny arrangements: Executive/Scrutiny Protocol and issue of chairmanship of scrutiny committees

Protocol (i) – Briefing and Information for Local Members (deferred item)

Protocol (vi) – Media Relations (deferred item)

Protocol (viii) – Complaints Procedure

Partnership Protocol (not previously included in this constitution)

To consider a redrafted constitution taking into account the changes so far recommended by the Focus Group.

(Duration of meeting: 10.00 am - 2.40 pm)

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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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**Overview and Scrutiny Liaison Board
14 July 2010**

**Constitution Focus Group
29 July 2010**

**Council
9 November 2010**

Designated Scrutiny Officer

Purpose

1. To report on the requirement for the local authority to designate one of its officers as the “scrutiny officer”.

Background

2. Section 31 of the Local Democracy, Economic Development and Construction Act 2009 which came into force on 1 April 2010 requires the local authority to designate one of its officers as the “scrutiny officer”. This was one of a number of provisions in the Act designed to improve governance, democracy and involvement in local government.
3. The designated officer will be responsible to discharge the following functions:
 - (a) to promote the role of the authority’s overview and scrutiny committees;
 - (b) to provide support to the authority’s overview and scrutiny committees;
 - (c) to provide support and guidance to
 - (i) members of the authority
 - (ii) members of the executive of the authority, and
 - (iii) officers of the authorityin relation to the functions of the authority’s overview and scrutiny committees.
4. In order to give a clear message about the importance and transparency of the function, the Government determined that the local authority may not designate any of the following:
 - (a) the head of the authority’s paid service
 - (b) the authority’s monitoring officer
 - (c) the authority’s chief finance officer
5. This follows on from a series of national developments in overview and scrutiny over recent years in order to strengthen and broaden its powers including ensuring that it is sufficiently resourced.

Approach

6. The current overview and scrutiny function in Wiltshire is supported by a small dedicated officer team within Democratic and Members Services. The team is headed by a scrutiny manager who is line-managed by the Head of Service and ultimately through to the Service Director, Legal and Democratic Services (who is the Council's Monitoring Officer).
7. The scrutiny manager's current job description includes to a large extent the functions intended for the designated scrutiny officer and therefore operationally it would make sense that this post is designated formally in this way.
8. The current line-management arrangements would stay in place for staffing purposes but the scrutiny manager would now be statutorily responsible and accountable under the Act for the specific functions set out in paragraph 3. This would include direct reporting, responding to national inspections and contributing to annual governance statements.
9. The Council's Constitution sets out the statutory designated posts in Article 13 (currently those listed in paragraph 4 above) and therefore the new statutory post of "scrutiny officer" will need to be added.
10. In further recognition of the statutory responsibilities, it would seem sensible to make the scrutiny officer responsible for constitutional matters such as receiving member requests for items, giving formal invitation to witnesses, receiving responses from Cabinet members and acting on call-in requests.
11. Authorities who are represented on the national scrutiny network have been consulted on the action they have taken to implement this new requirement. A sample of the responses received is included as an appendix to the report.
12. The Liaison Board and Focus Group will be aware that the formal review of the overview and scrutiny articles and procedure rules in the Constitution are imminent (and referred to elsewhere on the agenda).

Proposals

13. To recommend Council to designate the current scrutiny manager post as Wiltshire Council's Scrutiny Officer to be responsible for the statutory functions set out in paragraph 3 with immediate effect, and to amend the Constitution accordingly.

Ian Gibbons

Director Legal and Democratic Services

Report author: Paul Kelly, Scrutiny Manager

Update on Changes Made

The following changes to the constitution have been previously approved by Council:

Part	Subject	Date of Council approval
3 Part 2.3	Responsibility for Functions Licensing Committee – to extend the terms of reference of committee to deal with all licensing functions carried out by the Public Protection Service.	1 December 2009
3 Para 2.3	Responsibility for Functions Licensing Committee – to extend the terms of reference of committee to determine Designated Places Public Orders (DPPO's)	13 July 2010
3 Para 4	Responsibility for Functions Area Boards To include agreed method of appointing chairs and vice-chairs of Area Boards (<i>this has been further changed as part of the current review of the constitution</i>)	18 May 2010
3A	Scheme of Delegation: Cabinet Following review by Leader and reported to Council (<i>This has been further changed to include delegation of executive functions</i>)	23 February 2010
3D	Scheme of Delegation: Licensing	1 December 2009
4 Paras 18 - 22	Council Rules of Procedure Petitions To incorporate agreed petition scheme	18 May 2010
9 & 10	Financial Regulations & Financial Procedure Rules Revised (<i>A further minor change to the Regulations has been made</i>)	18 May 2010
14	Members' Allowance Scheme Revised	10 November 2009
16	Officers' Code of Conduct Revised	13 July 2010

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Wiltshire Council Constitution

Summary of Main Changes Proposed

Part 1 – Summary and Explanation

Paragraph 9 – How Decisions are made

Amendments to definition of the key decision criteria to ensure consistency with the Financial Regulations and improve clarity.

Part 2 – The Constitution

Article 3.1 – Rights of members of the public

To include reference to the Council's Petition Scheme

Article 4.4 – Responsibility for functions

To include reference to the addition of a committee structure chart added as Schedule 1 to Part 2.

Article 7 – Overview and Scrutiny

To incorporate changes agreed by the Overview and Scrutiny Liaison Board and the Focus Group

Article 10.2 ('composition' of Area Boards) - to include the Wiltshire Fire and Rescue Service as a standing member of Area Boards to ensure consistency with the membership listing under paragraph 4 of Part 3 of the constitution and distinguishing between standing member organisations and other groups. (The Focus Group suggested that the process for new organisations to apply to join an Area Board be included within the Area Board Handbook).

Article 11 – Area Committees – conflict of interests

To include at the request of the Focus Group reference to advice on dual hatted members on Area Boards and the Dispensation procedure.

Article 13 – Officers

Updating of corporate director titles following management restructuring.
Inclusion of all statutory officers and their main functions, including the designated Scrutiny Officer which is the subject of a recommendation in the main report.

Part 3 – Responsibility for Functions

Sections 1 & 2 – The Council

Distinguishing between statutory and non-statutory plans which form part of the council's policy framework and including legislative references in respect of statutory plans.

To provide for local community governance reviews and electoral arrangements in accordance with relevant legislation.

Section 2.3 – Licensing committee

To widen the scope of the licensing committee to ensure it has the authority for all matters pertaining to licensing and registration.

Section 3 – Cabinet

To provide more information on the main functions of Cabinet and provide consistency with other sections of the constitution

Section 4.8 – Area Boards – election of chairmen and vice-chairmen

Annual Council on 18 May 2010 agreed that chairmen and vice-chairmen of Area Boards be elected on the rising of the annual meeting of Council or during an adjournment of the annual meeting as appropriate. It was suggested that future consideration be given to these appointments being made at the first round of Area Board meetings.

The Focus Group agreed with the suggestion and has recommended a change to the effect that chairmen and vice-chairmen of Area Boards remain in post until their successors are appointed and that these appointments be made at the first round of meetings in the municipal year to enable the wider membership and the public to also be present. This approach was supported at a recent meeting of Area Board Chairmen.

Part 3A – Scheme of delegation – Executive Functions

This previously only documented the delegation of executive functions by the Leader to cabinet members. This has been expanded to include delegation of executive functions by the Leader to Cabinet committees, Area Boards, officers, under joint arrangements or to another local authority as the law provides. This is the Leader's delegation and can be altered by the Leader at any time provided that details of the delegation are reported to Council in accordance with Part 7, Cabinet Procedure Rules.

Part 3B – Scheme of Delegation – Officers

Including reference to the Area Boards and Delegated Decision checklist for officers on the issue of when and how to involve local councillors and Area Boards in decisions about local services. This stems from one of the outcomes of the Leader's review on Area Boards.

Schedule 1 to the Scheme

Updating titles and main responsibilities of corporate directors following the management restructuring exercise.

Part 3C – Scheme of Delegation – Development Control

Incorporating changes made following the review of the development control service which will be considered by Cabinet on 19 October 2010, details of which will be reported to the Standards Committee.

Part 3D – Scheme of Delegation – Licensing

To include authority to make Designated Public Places Orders as previously approved by Council (13/07/10)

Part 4 – Rules of Procedure - Council

To include legislative references where appropriate.

To make provision for the cancellation of meetings in certain circumstances.

Public Participation at meetings

This has been changed to provide clarity over what is expected from members of the public wishing to participate at meetings by making statements, asking questions and presenting petitions and what they can expect from the Council. The deadline for submitting questions has been brought forward from two days to four clear days (for a meeting on a Tuesday, deadline would be 5pm Tuesday of the preceding week) in line with the deadlines being proposed in respect of Councillors' questions (see below).

To include reference to the Petition Scheme approved by Council (18/05/10) and attach the Scheme as a Schedule.

Councillors' questions

This has also been changed to provide clarity over what is expected from members of the council wishing to ask questions at meetings and what they can expect. The deadline for submitting questions has been brought forward from two days to four clear days on the understanding that written responses would be circulated to Councillors two days before the meeting unless this is not possible due to exceptional circumstances (eg volume of questions received).

Motions on Notice

This has been changed to provide more clarity over what is expected from Councillors wishing to submit such motions and how they are dealt with at the meeting. It also provides for motions relating to executive functions which cannot be determined by Council being referred to the Leader.

The deadline for submission of motions is 10 clear days instead of the previous 14 days.

Amendments to motions

A number of members have through their feedback via the questionnaire expressed concern over what has been deemed to constitute a valid amendment to a motion. The Focus Group considered this and although it has not recommended a change to the constitution, has requested that consideration be given to the drawing up of a Protocol to provide an acceptable convention.

Part 5 – Access to Information Procedure Rules

To include legislative references where appropriate

Part 6 – Budget and Policy Framework

This has been checked against relevant legal provisions and no changes are proposed.

Part 7 – Cabinet Procedure Rules

No major changes.

Part 8 – Overview and Scrutiny Procedure Rules

Changes recommended by the Overview and Scrutiny Management and Co-ordination Liaison Board and the Focus Group:

Paragraph 9 – Work Programme – reference to the council's priorities in the Corporate Plan and the relationship with the Audit Committee and referencing to the Protocol on the Governance Reporting Arrangements.

Including reference to the designated Scrutiny Officer (as recommended) as the officer lead on scrutiny.

Paragraph 30 – Attendance by others and evidence gathering
Detailing the principles which would apply to how meetings are conducted when witnesses are called.

Part 9 – Financial Regulations

Part 10 – Financial Procedure Rules

These were previously revised and adopted by Council (18/05/10)

Minor change since adoption by Council at paragraph 105 of the Financial Regulations in respect of work for third parties to ensure consistency with the revised Contract Regulations (Part 11)

Part 11 – Contract Regulations

The Regulations have been revised to take into account revisions in EU procurement thresholds and other directives and to provide greater clarity to the reader over their responsibilities to comply with them. The Regulations were considered in detail by the Focus Group on 20 September and 8 October 2010. Changes recommended by the Focus Group have been incorporated.

Part 12 – Members' Job Description

Paragraph 3 – minor change to refer to the Members' Allowances Scheme rather than quoting the amount of basic allowance payable.

A question has been raised over whether this Part should be included in the constitution at all on the basis that it is more appropriate for prospective Councillors than serving Councillors.

Part 13 – Code of Conduct for Members

Unchanged

Part 14 – Members' Allowances Scheme

This reflects the Scheme previously approved by Council (10/11/09) following consideration of a report of the Independent Remuneration Panel.

Part 15 – Officer Employment Procedure Rules

Unchanged

Part 16 – Human Resources Code of Conduct

A revised Code was previously adopted by Council (13/07/10). Since Council adoption, a change has been made to make reference to the Council's policy on Politically Restricted Posts as recently approved by the Staffing Policy Committee.

Part 17 – Management Structure

This has been updated following the senior management restructuring exercise.

Protocols

Protocol 1 – Briefing and Information for Local Councillors

This has been changed to provide more clarity but keeping within the spirit of the original document. Reference has been made to the Area Boards and Delegated Decision checklist as mentioned under Part 3B above

Protocol 2 – Councillor/Officer Relations

This was completely revised as part of the last review of the constitution.

A recommendation from the Member Support in the Locality Task Group related to the need to include a protocol stipulating that Councillors can expect an initial response from Cabinet members and Portfolio Holders within two days and a substantive response within seven days.

The view of Cabinet members is that realistically, the suggested protocol could not be kept to all of the time. They have therefore recommended a broader protocol to the effect that in respect of member enquiries from other members, every effort should be made to provide a prompt response wherever possible with this being applied to all Councillors and not just Cabinet members.

The stance taken by the majority of members of the Focus Group is as follows:

'Response from Cabinet members to other members of the Council

A response will, unless there are exceptional circumstances be acknowledged within two working days of receipt. A substantive response will be provided within ten working days of receipt. If that is not possible an explanation will be given as to the reason for the delay, what action is being taken, and when a response will be sent.'

Protocol 3 – Guidance to Councillors Appointed to Outside Bodies (New)

This is a new Protocol as referred to in the main report.

Protocol 4 – Planning Code of Good Practice for Members of Wiltshire Council

Incorporating changes made following the review of the development control service which is the subject of a report to Cabinet on 19 October 2010, the outcome of which will be reported to the Standards Committee.

Protocol 5 – Leader’s Protocol for Individual Decision Making by Cabinet Members

Unchanged

Protocol 6 – Complaints Procedure

This has been updated. The main change is the inclusion of the timescales involved.

Protocol 7 – Media Relations

Apart from a few very minor amendments, it had not been proposed to change this Protocol. However, the Focus Group was not happy with the Protocol as it stood and has asked for it to be redrafted taking on board specific comments it made. The Focus Group has asked for a revised version to be considered by a meeting of Group Leaders before being presented to Council as part of the revised constitution. For the reason, this Protocol is not available at this stage.

Protocol 8 – Partnership (New)

This is a new Protocol as referred to in the main report.

Protocol 9 – Monitoring Officer

Unchanged

Protocol 10 – Code of Corporate Governance

Unchanged

Protocol 11 - Governance Reporting Arrangements (New)

This is a new Protocol as referred to in the main report.

Protocol 12 – Procedure for Determination of Referred Complaints by the Standards Committee

Unchanged

Yamina Rhouati
Democratic Governance Manager

Questionnaire on the Review of the Constitution for Wiltshire Council – Analysis of Members’ Responses

Theme	Topic Raised (Numbers in brackets indicate number of responses. No number = only 1 respondent)	Comments
General		
Overall: Most respondents were happy with the Constitution. Suggestions for improvement are included below.		
Usability		
	It is difficult to find the appropriate section (3)	Consideration will be given to better index the constitution or providing a glossary of terms. Once review completed, on-line document will be made more interactive hyperlinking document throughout.
	Suggest an index or online search tool (2)	
	Suggest an on-going method for collecting Constitution change requests so don't have to repeat this process	
Public Participation		
Overall: Most respondents felt that the Constitution made adequate provision for public participation. However, meetings and publicity could be managed better to actually encourage it.		
	The ability of the public to contribute to meetings should be more widely publicised (6).	The whole issue of public participation and public engagement scheduled in future work programme for consideration at a subsequent meeting of the Focus Group
	Meetings should be videoed / broadcast on the internet. (3)	
	The public should be able to contribute to meetings throughout, not just for an allocated item (2).	
	Meetings should be made more inviting for the public. e.g. Through 'meet and greet', better information about parking, meeting locations and refreshments.	
	Reports and presentations should be in much plainer English (3).	Could consider use of plain English champions to vet reports although

		this would delay reports being finalised.
	Councillors should always identify themselves and face the public when speaking.	The whole issue of public participation and public engagement scheduled in future work programme for consideration at a subsequent meeting of the Focus Group
	Day time meetings exclude many members of the public.	
	The Council website is very poor.	
	A plain English record of the decisions taken at a meeting should be produced.	
	Suggests protocol whereby Councillor can request work from officer if doesn't jeopardise work plan	
	More meetings should be held outside of County Hall.	Cabinet meetings are rotated around the County, Area Boards and Area Planning Committees held in respective areas, Strategic Planning held off campus when required. Licensing hearings and appeal hearings held in the locality of premises/appellant.
	Meeting rooms should always be big enough for public attendance.	Anticipated public attendance taken into account when booking venues.
Area Boards		
	Area Board meeting should be more widely publicised (3)	The outcome of the Area Board Review and comments raised by the Focus Group previously on Area Boards to be considered by the Focus Group at a subsequent meeting.
	All Area Board members should have the opportunity to brief Cabinet Members and officers on issues of concern to their area (2)	
	More clarity is required regarding the voting rights of dual-hatted members. (2)	
	Area Board agendas should include the same formal provision for public questions as other meetings.	
	Area Board agendas should be kept for local issues.	

	Area Board meeting should begin earlier.	
	Devolve more power and finances to Area Boards	
	Parish councillors should be able to vote on more matters.	
	Area Boards need more officer support.	
	Area Boards section– para 10.2 – replace word ‘will’ with ‘may’ [comprise]...	
Management of meetings		
Overall: Most respondents felt that the current arrangements promote efficient, effective and transparent decision-making.		
	The current system allows a motion to be amended beyond recognition and this needs changing (4)	Issues raised to be considered by the Focus Group in its consideration of Part 4 – Council Rules of Procedure at a subsequent meeting of the Focus Group.
	There should be a maximum time allowance for each item (particularly for Full Council) (2)	
	There should be a limit to the number of questions asked by each Councillor.	
	Councillors should have to state the purpose of their question before asking it.	
	Day time meetings exclude those Councillors who need to work full time.	
Supporting Councillors in their role		
Overall: Most respondents were satisfied with the support available for performing their role.		
	A better contacts directory with senior officers’ roles is required (3)	An enhanced contacts directory combining data from the three existing contacts sources (SAP, Contact Directory and Outlook) is currently under development and will be more ‘searchable’ with key words bringing up the relevant officer depending on the service required.

		A diagram showing the corporate structure from Chief Exec down to Heads of Service is also being developed.
	Officer response times are not satisfactory (particularly senior officers) (2)	The Member Support in the Locality Task Group is aware of slow response times within certain departments, and has suggested that the relevant Directors are informed. They will also be requesting a stipulation on Cabinet Member response times, which are seen as a bigger concern.
	Officers should be more responsive to request for information (particularly senior officers)	A recent survey conducted by the Task Group did not highlight this as a significant issue.
	An independent review of the role of Councillor is required. The current system excludes those who need to work full time.	This would require a national policy change
	The Constitution should be available in hard copy to all Councillors.	All members of the council were given the opportunity of either having a hard copy or using the on-line version. Those requesting a hard copy were given one. On completion of the review, an updated constitution would be available and the same offer would be made.
	Better allowances are required	An independent review of allowances was conducted and approved in November 2009

		following review by an Independent Remuneration Panel and the scheme will last for 4 years.
	Better IT support is required	The Member Support in the Locality Task Group received an update on Councillors' IT provision at its previous meeting and was satisfied with progress made. A task group is currently being set-up to look at the bringing in-house of IT in general, and its remit will encompass Councillors' IT.
	Council should pay for Councillor newsletters except in the period preceding a local election. This would help to politicise the Comms between councillors and residents	Councillors can use the Council's resources (which includes the printing of newsletters) to communicate with their constituents as long as the information contained is not of a political nature.
	Suggests protocol whereby Councillor can request work from officer if doesn't jeopardise work plan	Not covered by Councillor/Officer relations protocol. Requests from Councillors managed at Director level to ensure management of resources.
Cabinet Members		
Overall: Most respondents were satisfied with the current arrangements.		
	Area Board members should have the opportunity to discuss local issues with the relevant Cabinet Member (2).	To be considered in the context of the outcome of the Area Board review
	Cabinet Members should be more receptive to questions re their decisions and the policies behind them.	These comments will be brought to the attention of the Leader. Leader has previously made clear that
	A minority of Cabinet Members should work better with	

	backbenchers	portfolio holders are there to help members.
	Procedures aren't the problem – it is a lack publicity re Cabinet decisions	A weekly digest of executive decisions will be made available to members and via the website in due course.
Overview & Scrutiny		
Overall: Most respondents understood O&S's role, felt adequately engaged, and that the current O&S arrangements were satisfactory.		
	Some examples of where O&S has made a difference should be circulated (3).	A number of these comments are best taken within the context of needing to improve awareness and communication about past successes and forthcoming activity. Clearly current arrangements in terms of publishing reports and forward programmes, monitoring outcomes and individual contact with members about engaging in activities are not "hitting the spot". A possible return to an annual report might help but it feels somewhat after the event? More effective use of "Elected Wire" might be more appropriate – even a dedicated space?
	Induction was poor (co-opted members) (2)	Induction was comprehensive (but relied on good attendance) and has been followed-up with development days by individual select committees. The new member

		development programme will also include O&S events.
	O&S is unfocussed (2)	Work programmes are a blend of holding the Executive to account, O&S priorities and individual requests. Frontline service harmonisation and business transformation are major influences. Overview (policy development) works best with early invitation from the Executive – a new protocol has been drafted covering the importance of this working relationship and will come before the Focus Group.
	Suggests more clarity regarding what each Select Committee is considering.	
	Suggests more emphasis on 'overview' and less on 'scrutiny'	
	Suggests a standard form when a service could benefit from being looked at	A what, how, when form with guidance note could be developed but O&S needs to retain flexibility and be "light on its toes" to situations as they emerge. Could be seen as bureaucratic and too process driven?
	Should not have to be member of O&S committee to be able to call-in a cabinet decision	Call-in is a last resort process and should not be used politically to frustrate Executive decision-making hence requiring the Chairman or 3 members of a select committee. This is not to be confused with the ability of individual committee members or 5 members of the Council to request an item or the

		new “councillor call for action process”.
	Suggests more information should be available when scrutiny are considering issues	Scrutiny investigations are based on evidence which is generally pretty comprehensive but is obviously concentrated on those undertaking the activity. A concluding summary report is always produced. More proactive publicity could be done – see comments above.
	Suggests more fore-warning of issues requiring scrutiny is needed	Links back to work programme (and early engagement from the Executive) although is symptomatic of having to be reactive on many occasions.
	Yes but too much talk about process and not enough about action	All accept the need to add value through action as an outcome but do sometimes need to understand the process first particularly with mixed knowledge/understanding by those involved.
Decision making		
	The Standards Committee is too big.	Size of committee set to meet anticipated demand for determining complaints and subject to review. Standards committee reviewing its size.
	There is currently no link between the Council and	There are a number of links

	parish councils – madness!	including strong Links by way of parish council representation and participation at Area Boards, dual hatted division members, service specific consultation and events, parish newsletter, market town clerks’ meeting, liaison with WALC, parish council representation on Standards Committee.
	Audit Committee should not be chaired by a member of the controlling group. This reduces any perception of transparency.	Best practice is that it members of Audit Committee should not also be members of the Executive.
	If a matter is discussed at a pre-meeting briefing this should be stated at the meeting itself to increase transparency.	Depends on the nature of the meeting. It is accepted that some meetings involve a briefing between officers and chairmen.
	Decision making is far too centralised.	A number of meetings and therefore decisions made are taken in the relevant locality (see above under ‘public participation’)
	There should be a return to the old Committee system.	We understand that the coalition Government intend to include legislation to enable councils to revert to the traditional committee system in the new decentralisation and localism bill to be published in the autumn
	Use of Part II items needs clarification. Their use gives a suspicious impression to public.	Explanation is given on agenda and on website and complies with rules on access to information.
	Need guidance as to what should be brought to Full Council, in particular where to bring parochial matters, so as not to waste so many people’s time.	Councillors should seek advice of officers to suggest appropriate approach/forum for items.

Regulatory		
Overall: Most respondents felt our arrangements for handling regulatory matters were satisfactory.		
	The public's understanding of Planning, i.e. how to get an application to Committee, who has this power, officer-delegated powers, needs better publicising. (3)	Comments to be considered as part of the review of Development Control report.
	Planning chairmen should have discretion to decide the number and time limit of public speakers	
	More site visits for Planning Committees – these should be regarded as the norm rather than special provision	
	More provision for Planning Committee chairmen to get clarification from the applicant during the meeting.	
	Councillors' power to call-in planning applications should remain whilst apps are undetermined as can change significantly after deadline elapses.	
	Minimum of 5 objectors should be able to call-in application, not just Wiltshire Councillors	
	Planning need harmonisation between all the hubs	
	A briefing note for members of the public should be available explaining Planning in plain English.	
	More Planning decisions should be made by Committee	
	Licensing applications should be viewable online like Planning applications	Application details have been put on our website, and members can comment as interested parties on applications. Additional training for members on this is planned for September It is worth noting the Home Office

		has today (28/7) issued a consultation paper on the Licensing Act, an this might affect how we consult on licence applications and the role of members.

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