

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

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