

CONSTITUTION FOCUS GROUP

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 19 MARCH 2014 AT SALISBURY ROOM - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Ernie Clark, Cllr Jon Hubbard, Cllr Julian Johnson, Mr Paul Neale, Cllr Helen Osborn, Cllr Jeff Osborn, Miss Pam Turner and Cllr Stuart Wheeler (Chairman)

10 **Apologies**

There were no apologies.

11 **Minutes of the Previous Meeting**

The minutes of the meeting held on 8 January 2014 were presented for consideration. It was,

Resolved:

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

12 **Declarations of Interest**

There were no declarations.

13 **Review of Part 4 of the Constitution - Petitions**

At its previous meeting on 8 January 2014 the Constitution Focus Group considered changes that were required to the constitution as a result of the statutory petition scheme no longer being in force with the repeal of the underpinning Act. The Focus Group had considered that it was desirable that there be triggers for specific actions should a petition reach a certain size, and requested details and proposals for them to consider where any such thresholds should apply.

The Deputy Monitoring Officer presented a report which provided details of thresholds for specific actions in other local authorities, as well as rules on eligibility of petitioners in relation to age and connection with the county, and rules on e-petitions, and invited the Focus Group to make a determination as to the best way forward.

The Focus Group considered that the initial barrier for a request to be accepted as a petition was currently too low, with only 2 signatures required. It was felt appropriate that the level be raised to ensure a petition indicated genuine local support for an issue without being unduly difficult to achieve, and after considering details of common levels of other Local Authorities for petitions, determined that a limit of 25 signatures was suitable for a petition to be accepted at full council, with 10 signatures for a petition to be accepted at an area board.

The Focus Group then discussed appropriate thresholds for a petition to trigger a debate at Full council or an area board. It was agreed that 2.5% of the entire county population to trigger a debate at full council, 11,500 signatures, was inappropriately high and very unlikely to ever be achievable. The Focus Group discussed levels set by other local authorities, and considered that a level of 1% of the population, approximately 4700 signatures, was a reasonable threshold

With regards to triggering a discussion at an area board, the Focus Group debated whether the current threshold of 2.5% of the population of a community area would remain appropriate, with the view that it would be easier for people to engage a local population to sign a petition than a county wide issue, but concluded that it would be appropriate for the percentage threshold to be the same as that for full council, and therefore to set the threshold at 1% of the population of a community area. It was clarified that in both cases the levels would be a percentage of total population, and not merely a percentage of those able to sign a petition, as the changeable nature of such a figure would make setting a clear level difficult.

The Focus Group also recommended that the option to ensure that an officer attend to give evidence at a scrutiny committee should be removed from the list of threshold actions, stating that with the lowered thresholds to trigger a debate, which was much more likely to be a goal of any petitioner, as well as the many other avenues for the public through their councillors to require an officer to attend a specific meeting to give evidence, such an option was unnecessary.

With regards to the eligibility of those signing a petition, the Focus Group considered whether there should be an age limit to those able to sign a petition, ranging from secondary school age through to adulthood. After discussion it was felt that 13 years old was a suitable cut off level, being a nationally recognized point for calculating 'young people' as opposed to children, and with young people of that age beginning to take decisions in relation to their education and lives beyond merely following parental direction.

The Focus Group also discussed how to limit petitions by geography, accepting that those who live, work or study in Wiltshire should automatically be considered eligible to sign a petition on Wiltshire issues, but requested clarity on how those who used Wiltshire council services but without meeting any of the other criteria should be accepted, to avoid signatories with no direct connection to a specific service or any other eligibility criteria from boosting the numbers of petition unreasonably.

On discussion of e-petitions, the Focus Group agreed that external petition sites could be used acceptably, so long as they met necessary validation requirements which would be listed in the petitions scheme along with currently approved e-petition site providers.

At the conclusion of debate, it was,

Resolved:

To recommend to the Standards Committee that a petitions scheme be approved which included the following points:

- 1) A threshold of 25 signatures for a petition to be noted at full council and 10 signatures at an area board.**
- 2) A threshold of 1% of the population of the county (approximately 4700) be required to trigger a debate at full council, and a threshold of 1% of a community area population (ranging from 141-455 based on the most recent population estimates) to trigger a debate at an area board.**
- 3) Those eligible to sign a petition to include those who live, work or study in Wiltshire from the age of 13 upwards and also those not included in the above criteria, but with a direct link to a council service which is the subject of a petition.**
- 4) The petition scheme to be updated to list the criteria required for external e-petition sites to be accepted for submitting a petition in addition to the council's own e-petition site.**

14 Proposed Changes to Part 2 of the Constitution

The Deputy Monitoring Officer presented a report on proposed alterations to Part 2 of the Constitution, as a result of changes in legislation and committee and management structures at the council, as detailed in the agenda papers. The changes were to be made to the constitution under the delegated authority granted under Article 15.3 of Part 2 of the Constitution permitting the Monitoring Officer to amend the constitution to reflect decisions of Full Council, changes in the law, and to correct errors or clarify ambiguities where to do so does not alter (but gives further effect to) the executive arrangements or the principles enshrined in the constitution.

The Focus Group discussed the amended committee structure and requested clarity on the position of area boards as Committees of the Council which exercised delegated Executive authority rather than being Executive committees. Further changes were requested to reflect the technical definition of Area Boards as Area Committees in a simpler fashion, and to remove

reference to specific officer names except where it was necessary to distinguish between individual Corporate Directors.

At the conclusion of debate, it was,

Resolved:

That subject to the changes discussed above, to note the intention to amend the Constitution as detailed.

15 **Review of Sections A, B and C of Part 3 of the Constitution**

The Deputy Monitoring Officer presented a report detailing proposed changes to Sections A, B and C of Part 3 of the Constitution, including amendments required as a result of legislative updates, details of the Police and Crime Panel and Health and Wellbeing Board, definitions and principles sections to make the Constitution simpler to navigate and other changes designed to clarify existing points.

The Focus Group went through the proposed changes, and made points including but not limited to the following:

There was concern from some members about a lack of Member challenge regarding an officer decision over which planning committee an application was determined by, and further clarity was requested before a recommendation could be made.

There was discussion about structure and membership of the Health and Wellbeing Board. It was agreed the details to be included in the Constitution were an accurate reflection of the decision of Council, but some members requested it be noted that this did not mean all the Focus Group agreed that the existing structure was appropriate, as they had not agreed when the decision was made by Council.

A correction was made to the proposed changes to election of chairman and vice-chairman of Area Boards in an election year, specifying that in an election year each Area Board would hold a special meeting on the rising of the first council meeting in order to elect a Chairman and Vice-Chairman.

At the conclusion of discussion, it was,

Resolved:

That subject to further amendments and clarity as detailed above, to recommend to the Standards Committee that Sections A,B and C of Part 3 of the Constitution be amended as detailed in the report.

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

The Focus Group noted the Forward Plan and the intention to assess the remaining sections of Part 3 of the Constitution at a meeting on 15 April 2014.

17 **Urgent Items**

There were no urgent items.

(Duration of meeting: 1.30 - 3.45 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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