

CONSTITUTION FOCUS GROUP

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 15 APRIL 2014 AT RUDMAN ROOM, 1ST FLOOR, COUNTY HALL, TROWBRIDGE, BA14 8JN.

Present:

Cllr Ernie Clark, Cllr Jon Hubbard, Cllr Julian Johnson, Cllr Helen Osborn, Cllr Jeff Osborn and Cllr Stuart Wheeler (Chairman)

18 Apologies

Apologies were received from Miss Pam Turner and Mr Paul Neale.

19 Minutes of the Previous Meeting

The minutes of the meeting held on 19 March 2014 were presented for consideration, and it was,

Resolved:

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

20 Review of Part 3 of the Constitution: Responsibility for Functions and Scheme of Delegation

The Monitoring Officer presented a revised Parts 3A, 3B and 3C of the Constitution following the comments of the Focus Group at its meeting on 19 March 2014, and the addition of Part 3D as detailed in the report. It was stated that some extra principles had been added for additional clarity, and drew attention to the revised wording on sub-delegation of officer decisions, noting that the revisions were a reflection of current practice on financial controls and not major alterations.

In response to queries, it was confirmed that an officer decision such as the Associate Director for Economic Development and Planning Services, in accordance with the criteria in the Constitution, deciding which Planning Committee would determine a particular application, could be called in by a member to a Scrutiny Committee, as it was an administrative decision only. There was discussion of how members would be made aware when such a decision had been made in order to allow them to call a decision in within the appropriate timescales, such as adding a column to the list of planning applications received that all members receive, detailing which Committee the application would be determined by if called in.

Members also sought clarification on the publication of executive decisions which contained confidential or exempt information, and that this should be laid out in the Constitution.

At the conclusion of debate, it was,

Resolved:

That further revisions be made to Part 3 of the Constitution as detailed by members, to be considered at the next meeting of the Focus Group.

21 **Review of Part 9 of the Constitution: Financial Regulations and Procedure Rules**

The Senior Principal Accountant presented a report on proposed changes to Part 9 of the Constitution. As detailed in the report, the current Parts 9 and 10 would be merged, with updates to remove duplication of information contained elsewhere in the Constitution, to take account of the Council's revised management structure and financial practices, and changes in legislation. It was stated that a further review of Part 9 would take place in late 2014 with a view to reducing the complexity and detail within the Constitution itself by producing a guidance document.

The Focus Group discussed the proposed revisions, including how to enforce provisions on abiding by the highest standards of probity when dealing with financial issues, and corrections were made to proposed paragraphs 187 and 188 on methods of payment from the council.

At the conclusion of discussion, it was,

Resolved:

That subject to additional revisions as raised above, to recommend to the Standards Committee that Council adopt the proposed changes to the Constitution as detailed in the agenda.

22 **Review of Part 4 of the Constitution: Petitions Scheme**

The Focus Group considered the proposed changes to Part 4 of the Constitution in relation to the Petitions Scheme following the recommendations made at the meeting on 19 March.

The Focus Group suggested minor amendments with regards simplifying the details on e-petitions, and that the Council's IT Service should adjust the Council's petition submission system to permit users to embed their council submitted petition on their own sites.

Resolved:

That subject to the additions raised above, to recommend to the Standards Committee that Council adopt the proposed changes to the Constitution as detailed in the agenda.

23 **Councillors Briefing**

The Focus Group discussed whether, in light of which constitutional amendments would proceed to Council for approval on 13 May subject to the views of the Standards Committee at its meeting on 25 May, as decided previously in the meeting, if a briefing for Councillors on the changes ahead of the Council meeting would be appropriate.

Resolved:

For a briefing for all councillors on the proposed Constitutional changes be arranged for 6 May 2014.

24 **Part 17: Management Structure Diagram**

The Focus Group considered the latest update to the Council's Management Structure diagram, and whether it was necessary to continue to include it within the Council's constitution.

Resolved:

To retain Part 17 of the Constitution, with the Monitoring Officer able to make consequential changes as required to reflect the latest decisions by Council regarding the Management Structure of the Council as permitted under Article 15.3 of Part 2 of the Constitution.

25 **Part 12A - Corporate Parenting Panel and Safeguarding Children and Young People Panel**

The Focus Group considered the proposed inclusion of the terms of reference of the Safeguarding Children and Young People Panel, and amending the membership numbers of the Corporate Parenting Panel as had been agreed by Cabinet as part of the adoption of the new Panel. It was requested the specification of the Panels as being politically balance be harmonized.

Resolved:

To recommend to the Standards Committee that Council adopt the changes to Part 12A of the Constitution as detailed in the agenda.

26 **Forward Work Plan and Date of Next Meeting**

The Focus Group considered the draft Forward Plan, and requested that an additional meeting be scheduled for late May. Several amendments to the draft plan were suggested, with the revised plan attached to these minutes.

27 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.40 pm)

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

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