

## Appendix A

### CONSTITUTION FOCUS GROUP

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#### MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 2 SEPTEMBER 2019 AT SALISBURY ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

##### Present:

Cllr Richard Clewer (Chairman), Cllr Richard Britton, Cllr Jon Hubbard, Cllr Stuart Wheeler and Mr Michael Lockhart

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#### 41 Apologies

An apology was received from Councillor Graham Wright.

#### 42 Notes of the Previous Meeting

The notes of the meeting held on 14 June 2019 were received and it was,

##### Resolved:

**To approve and sign the notes as a true and correct record.**

#### 43 Protocol 4 of the Constitution: Planning Code of Good Practice

At Full Council on 9 July 2019 it was determined to refer the revised Protocol 4 back to Standards Committee for further consideration. Full Council had also voted in favour of an amendment removing the five-minute time limit for local members to present to a planning committee. All Members had been contacted on three occasions to enquire over any aspects of the proposed revised protocol they had concerns with. All comments received by the meeting had been circulated to the Focus Group.

The main point of concern that had been raised at Full Council was in relation to a Member request for call-in of a planning application. The Focus Group had proposed a slight change to existing wording to recognise that the Chairman of a planning committee held no delegated authority to call-in an application, but that the Head of Development Management did, and therefore if a Member wished to bring an item not within their division to a committee could put that request.

There had been concerns expressed by Members that this amounted to an officer being able to reject a call-in by a Member. The Focus Group noted those

concerns, however it was explained that all call-in requests were legally just requests, as it was not legally permissible for an elected Member to be delegated such authority. This was because while the decision on a planning application was a council decision, the decision on whether an application should be dealt with under delegated powers or not was an executive decision. As such, all Member call-ins were in fact Member requests for call-in, and the scheme of delegation reflected this.

The Focus Group was assured that officers were not aware of a situation where a Member request for call-in had ever been rejected. Noting this, and the legal situation around call-in requests, the Focus Group suggested amended wording to make the situation clearer to all Members, and that all references to call-in be replaced with 'member request for call-in'. This was not to make it more difficult for members to call-in applications, or apply a stricter standard for officers to accept such requests, but simply to recognise the legal position.

**Resolved:**

**That Standards recommend the revised Protocol 4 to Full Council accordingly.**

44 **Part 4A of the Constitution: Petitions Scheme**

The Focus Group considered a revised Part 4A of the Constitution in relation to a council Petitions Scheme, incorporating changes proposed at their meeting on 10 April 2019.

The Focus Group supported the proposed scheme as simpler and clearer, along with additional changes to clarify procedures around debates and receipt of petitions. After discussion they supported a threshold of 5000 signatories for a debate to be held at full council, and a limit of three minutes for speeches by members, while doubling the length of debate. For Area Boards they agreed there should be no lower limit of signatures for a debate, but felt that if at least 50 signatures had been received on a valid petition it should require a debate if requested.

It was also agreed that a request for review of the petition process by a petition to Overview and Scrutiny was not appropriate, and any concerns around administrative processes could be referred to the council's corporate complaints procedure.

**Resolved:**

**That Standards recommend Full Council adopt the revised Petitions Scheme.**

45 **Future Items**

The Focus Group noted further items for potential review including Part 3 and Part 8 in relation to decision making processes, and the protocol on individual Cabinet Member decisions.

46 **Date of Next Meeting**

The scheduled meeting on 17 September 2019 was cancelled. Further dates would be provided in due course.

47 **Urgent Items**

There were no urgent items.

(Duration of meeting: 1500 - 1620)

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

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