

CONSTITUTIONAL REVIEW WORKING PARTY

ACTION NOTES

Thursday 10th November 2011

**Present: Cllr Carole Gandy (Chair) and
Cllrs Braley, Bush, Chance, Hartnett & Pearce.**

Also present: Cllr Anderson

Officers: Claire Felton and Steve Skinner.

1. INTRODUCTION / TERMS OF REFERENCE

Members considered the work required to complete the constitutional review 2011/12. This included considering ongoing general improvements, updates and additions to the Constitutional documents; but also to continue the major 'cosmetic' revamp commenced in the previous year.

Members agreed it was desirable to conclude this in advance of the Council's Annual Meeting 2012, so that all party Groups knew of final arrangements in time for their post-election / pre-AGM Group meetings.

Progress sheet attached.

2. REVIEW OF CONSTITUTION DOCUMENTS MAY 2011

Further to changes to the Constitution as significantly amended at the Council's previous AGM, further to practical experience of their application, the following changes were **RECOMMENDED**:

- 1) meetings of the Executive Committee and Overview and Scrutiny Committee be scheduled on a 4-weekly cycle, rather than the current 3-weekly cycle in future calendars of meetings.**
- 2) an amended Housing Appeals Procedure, removing the final stage Member Appeal Hearing, be approved and adopted with immediate effect;**

(Members considered a report from the Legal Services Manager detailing the reasons this change was desirable.)

- 2) **Officers seek further legal advice as to possible alternative means for a Member-level involvement in appeals against Officer decisions (with regard to Homelessness and Housing Allocation cases); and**
- 3) **Employment Appeal Processes be similarly reviewed in due course, subject to any necessary further consultation, negotiation and report.**
- 4) **Issues relating to the Independent Remuneration Panel, who were looking into common shared Members' Roles documents , be referred to the Member Support Steering Group.**
- 5) **The current list of Outside Bodies be reviewed and 'categorised' (and possibly reduced?) before the next AGM.**

3. PORTFOLIO HOLDERS – DELEGATED AUTHORITY

Members briefly considered the need to review the Council's current policy on there being no authority delegated to Portfolio Holders. The revised position of the 'Strong Leader' needed review in this respect, and her current position when representing the Council at the new Local Enterprise Partnership (LEP) meetings was noted.

Cllr Gandy suggested that LEP minutes should routinely be reported to Members, similarly to Local Partnership minutes.

Carry Forward. No recommendations at this stage.

4. PETITIONS SCHEME

To review the practical application of the Petitions Scheme since its introduction (a statutory obligation) approximately 12 months ago. Officers had gone back to the original statutory requirements to establish what was actually required and what other parts of the statutory framework might be useful to a reworking of the Scheme.

Members, like Officers, considered a number of the aspects of the current scheme unnecessarily burdensome; and also that it tended to generate expectations which could not often be met.

Officers were therefore requested to rework the Scheme, particularly regarding the O&S automatic referral route, and bring them back to the next meeting for further consideration. Members saw an opportunity to enhance to role of Ward Members in this process.

Carry Forward. No recommendations at this stage.

5. PLANNING COMMITTEE PROCEDURAL RULES / TERMS OF REFERENCE / PUBLIC SPEAKING

Members consider a 'new' set of Procedural Rules, based on existing custom and practice / former Standing Orders, to match the new Constitutional requirements. Some suggestions for change were mooted, such as an increase to the quorum number to **5** Members.

Issues of possible conflict with Executive Committee membership were also considered.

Officers were requested to rework the documents, taking into account members comments, and particularly regarding the Public Speaking procedures, and bring them back to the next meeting for further consideration.

Members were advised that there were issues around public speakers raising matters at the Planning Committee meeting which had not been previously submitted for incorporation in Planning reports / Updates, or pre-notified to Planning Officers, but Members preferred to leave current arrangements unchanged in this respect. Members also requested that Officers respond to points made, Speaker by Speaker, rather than altogether at the end of Public Speaking on a particular application, in order that inaccurate or irrelevant statements could be addressed more immediately.

Two Planning update training sessions per year were suggested to deal with any necessary updates.

Carry Forward. No recommendations at this stage.

6. MEMBERS' ITEMS

None received to date.

7. NEXT MEETING(S)

It was **AGREED** that

the next meeting be held on Monday 12th December 2011, starting at 5.30 pm, in Committee Room 1.

The meeting started at 7.30 pm and closed at 9.40 pm.

ATT: CRWP Checklist

	<u>CONTENTS / CHECKLIST</u>	
PART 1	The Constitution – Introduction and Explanation	UPDATE AFTER ELECTIONS / AGM
PART 2	Articles of the Constitution	UPDATE POLICY FRAMEWORK
PART 3	Table 1 - Responsibility for Functions : Council Functions / Executive Functions Table 2 - Committee Terms of Reference Table 3 - Delegations to Committees / Scheme of Delegation to Officers Table 4 - Joint Arrangements	REVIEW INCL. EMPLOYEE APPEALS REMODEL / UPDATE
	<u>Procedure Rules</u>	
PART 4	Council Procedure Rules	
PART 5	Access to Information Procedure Rules	
PART 6	Budget and Policy Framework Procedure Rules	
PART 7	Executive Committee Procedure Rules	
PART 8	Overview and Scrutiny Procedure Rules	
PART 9	Audit & Governance Procedure Rules	CREATE NEW
PART 10	Planning Committee Procedure Rules – Appendix – Public Speaking Rules	UPDATE IN DRAFT No1
PART 11	Financial Procedure Rules – [Existing Approved Financial Regulations apply, PENDING REVIEW]	CONSIDER MAJOR REVISIONS
PART 12	Contracts Procedure Rules	CONSIDER REVISIONS
PART 13	Officer Employment Rules	UPDATE
PART 14	Management Arrangements	UPDATE AS NECESSARY
PART 15	Members' Allowances Scheme	UPDATE POST FEB CT EXEC / COUNCIL

	<u>Codes and Protocols, etc.</u>	
PART 16	Members' Code of Conduct - changes to national Standards Regime forces major review	MAJOR UPDATES NECESSARY
PART 17	Members' Code of Conduct on Gifts and Hospitality	UPDATE
PART 18	Member / Officer Relations Protocol	N/C
PART 19	Officers' Code of Conduct	UPDATES NECESSARY RE BRIBERY ACT
PART 20	Planning Code of Practice / Appendix – Protocol on Pre-Application Discussions	UPDATE?
PART 21	Licensing Code of Practice	N/C
PART 22	Internet & Email Policy / IT Protocols	UPDATES FURTHER TO COUNCIL DECISIONS RE POLICIES
PART 23	Auditing Procedures – NEW DOCUMENT	WITH AUDIT IN WORCESTER
PART 24	Protocol on Member Representation on Outside Bodies – NEW DOCUMENT	NEW DOC'T / OB LIST REQUIRED
PART 25	Members' Roles Document	UPDATE RE IRP?
PART 26	Petitions Scheme	UPDATE IN DRAFT No 1