

### Appendix 3 Working group consultation

	<b>Question</b>	<b>Working group response</b>
1.	<p>Scrutiny activity is currently carried out by two committees:</p> <ul style="list-style-type: none"> <li>a) health and social care - discharges the council's statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services affecting the area, children's and adult's safeguarding adults and children's social care, the health and wellbeing board and public health;</li> <li>b) general – all other functions including the statutory crime and disorder, and education functions</li> </ul> <p>Is this balance of responsibilities working effectively? If no please outline the concern.</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	<p>Generally working acceptably but some concerns about wide workloads and focus leading to difficulties in engaging with members. Proposal made for three committees with smaller membership.</p>
2.	<p>The constitution already makes provision for task and finish groups to include members who aren't on the scrutiny committee establishing the task and finish group, but this happens rarely in practice. It is proposed that, drawing on the skills and interests expressed by elected members group leaders should be asked to identify possible members for each task and finish activity as it arises. Do you support this proposal? If no please outline any alternative proposals to increase participation of a wider range of members.</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	<p>Agreed using members expertise from outside scrutiny committees</p>
3.	<p>Do you agree that the constitution should make provision for electronic approvals/confirmation of assent eg notices of call in?</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	<p>Agreed – with appropriate safeguards given some IT problems</p>
4.	<p>Key decisions are executive decisions which are either significant in terms of their impact on the community and/or significant in terms of their financial impact (positive or negative). It is open to the council to determine what is 'significant' in financial terms and this Council has set a definition of £500k for both revenue and capital. Do you agree with that limit?</p>	<p>Agreed – £500k for capital and revenue, consider how to describe significant impact on communities</p>

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	<p>If no please say what you think the limit should be for capital and for revenue.</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	
5.	<p>The principles of good decision making (listed below) are proposed. Do you feel these are appropriate? If not what alternative would you propose?</p> <ul style="list-style-type: none"> <li>a be clear about what the council wants to happen, how it will be achieved, who is accountable for the decision and who is accountable for implementing it;</li> <li>b consult properly and have regard to the professional advice from its officers;</li> <li>c have regard to the public sector equality duty and respect for human rights;</li> <li>d make the decision public unless there are good reasons for it not to be;</li> <li>e give due weight to all material considerations, only take relevant matters into account, and make sure the action is proportionate to what the council wants to happen;</li> <li>f explain what options were considered and give the reasons for the decision; and</li> <li>g follow proper procedures</li> </ul> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	<p>Agreed – in addition – follow up action to be taken after decision is made to ensure the action has been properly implemented</p>
<p>The council and committee rules have been reviewed in light of the principles agreed by the working group, and two versions are attached one with tracked changes and another 'clean copy' for clarity. Views on the proposed changes would be welcome, and in addition some specific questions are below.</p>		
6.	<p>Currently the constitution specifies that meetings of full Council are normally held at 10.00am; the timing of other committee meetings is not defined although in practice almost all are held during the day. Do you agree that the discretion over timing of meetings should be left with committee chairs? If not what alternative arrangement would you propose?</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	<p>Agreed - discretion over timing of meetings should be left with committee chairs following consultation with members.</p>
7.	<p>The constitution currently makes provision for annual reports from committees summarising the business they have undertaken during the year. Now that all agendas and minutes are available on the website and given that the constitution already makes provision for questions at full Council to be</p>	<p>Agreed - No longer require annual reports. Alternative members can question relevant chairs at full council</p>

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	<p>addressed to committee chairs as well as cabinet members, do you feel annual reports to full Council are still required?</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	<p>under members' questions. Plus new ability to ask.</p>
8.	<p>Currently public questions may only be asked at a meeting of council, and at meetings of scrutiny meetings only in relation to items on the agenda. Would you support extending the ability for the public to ask questions at other committees and cabinet?</p> <p>(Refer also to question 52)</p>	<p>Agreed - public participation scheme required. Public able to ask one question at all committees (save Regulatory and planning) Prior notice of the question required with one supplementary at chairman's discretion. Question to relate to function of the committee or an item on the agenda. 30 minutes allocated for questions to council, 15 minutes for other meetings.</p>
9.	<p>Currently the constitution does not place a limit on the number of questions a member may ask at a meeting of full Council, although members of the public may ask only one question. Would you support a limit on the number of questions a member may ask at any one meeting? If so please indicate what you think that limit should be.</p> <p>Feedback from chairman of the council:</p> <ul style="list-style-type: none"> <li>• Feel a limit of 1 question per meeting is unnecessary.</li> </ul>	<p>Agreed - One question per meeting.</p> <p>Can be reviewed in future if not working well in practice. The limit does not apply to points made during debate.</p>
<p>The law identifies certain functions which may not be the responsibility of the executive (referred to as council function); and those which are a matter of choice for individual councils to determine who takes the decision (referred to as local choice functions). All other functions by default are executive functions. Part 3 of the constitution, known as the functions scheme) sets out which functions may be undertaken by which body, and includes the scheme of delegation for officers. The language can sometimes be confusing – council functions do not necessarily mean the decision must be taken by full Council – they may be delegate to a committee of council such as planning committee,</p>		

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	<p>or to an officer. Similarly executive functions do not mean the decision must be taken at a cabinet meeting, but may be delegated to an individual cabinet member, a joint committee or an officer. The following questions relate to the functions scheme and contain links to the relevant part of the constitution for ease of reference.</p>	
10.	<p>Do you agree with the current allocation of 'local choice' functions (see link below)? If no please say what alternative allocations would you propose? <a href="http://councillors.herefordshire.gov.uk/documents/s50025399/Section%204%20-%20Local%20Choice%20Functions%20Updated%202022-Apr-15.pdf">http://councillors.herefordshire.gov.uk/documents/s50025399/Section%204%20-%20Local%20Choice%20Functions%20Updated%202022-Apr-15.pdf</a></p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	<p>Agreed - Useful to state what the relevant laws state and what hereford council terminology is used.</p>
11.	<p>Council functions (see link below) include the approval by full Council of budget and policy framework items. Some of the policy framework is mandatory (as listed below), but it is open to the council to determine which other key strategies and policies should be approved at the full Council meeting. Do you feel the mandatory list properly reflects the policy framework for the council? If no please identify what other strategies or policies you feel should be considered for inclusion. <a href="http://councillors.herefordshire.gov.uk/documents/s50025397/Section%202%20-%20Council%20Functions%20Updated%202022-Apr-15.pdf">http://councillors.herefordshire.gov.uk/documents/s50025397/Section%202%20-%20Council%20Functions%20Updated%202022-Apr-15.pdf</a></p> <ul style="list-style-type: none"> <li>• Children and young people's plan</li> <li>• Crime and disorder reduction strategy</li> <li>• Local plan documents</li> <li>• Licensing authority policy statement</li> <li>• Local transport plan</li> <li>• Youth justice plan</li> <li>• Pay policy statement</li> </ul> <p>Feedback from focus groups: See below</p>	<p>Update to reflect current requirements.</p>
12.	<p>The current scheme of delegation does not allow officers to take key executive decisions. Do you think that officers should be able to take key decisions in certain circumstances, for example once a budget and policy have been approved, to let contracts over £500k (in which case those officer decisions would be subject to call-in in the usual way)?</p>	<p>Only members make key decisions.</p>

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	Feedback from focus groups: <ul style="list-style-type: none"> <li>• See below</li> </ul>	
13.	<p>A number of officer decisions taken under delegation from the executive relate to relatively small amounts of expenditure and it is open to the council to set a financial limit below which such decisions do not need to be documented. This would reduce the amount of bureaucracy associated with documenting decisions but would not negate the need to comply with the council's finance and contracts procedure rules. (There is considerable variation in the limit set by other councils ranging from £10k to £250k. Would you agree with setting such a limit? If so please indicate what you think that limit should be.</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	Agreed - Set a limit at £50K for all non-operational decisions (i.e. executive non key decisions and non-executive decisions).
14.	<p>The functions scheme also sets out the current allocation of council functions to committees. There is no set format for these and different councils adopt different structures. For example some councils link planning and licensing functions in a single committee, some councils have a distinct constitution and governance committee. Do you agree with the current structure of committees? If no please set out what alternatives you would propose?</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	<p>Agreed - Planning and regulatory to be one committee.</p> <p>Audit and Governance - clarify functions clearly state what able to do.</p> <p>Employment panel remove old reference to member's appeals which are no longer part of HR policies.</p> <p>Overall reduce committee sizes, confirm ability to utilise working groups.</p>
15.	<p>Is there anything in the functions scheme and scheme of delegation which you feel is unclear? If so please identify this and, if possible, say what alternative you would propose.</p>	Agreed – basic structure satisfactory. Just needs

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	Feedback from focus groups: <ul style="list-style-type: none"> <li>• See below</li> </ul>	clarity, definition of operational decision needed.
16.	<p>There is no longer a statutory requirement to have a petition scheme. The proposed changes to Council rules retain the right of petitions reaching a certain level of signatures to be debated at full Council if the petitioner chooses. The working group has proposed a new code to set out the council's approach to public engagement which would include: petitions, attending meetings, recording meetings, public questions at meetings, speaking at planning or regulatory committees, contacting your ward member, contacting the council, access to information (freedom of information etc.), and consultation. Do you support this approach?</p> <p>Feedback from chairman of the council:</p> <ul style="list-style-type: none"> <li>• Query if numbers required to trigger a debate should be based on the local population where an issue only impacts on one ward or locality?</li> </ul>	<p>Agreed - with all petition signatures subject to Herefordshire electoral role verification.</p> <p>If an issue relates to a specific ward then the ward member could be approached to put forward a motion for debate or ask a question if insufficient signatures are gathered.</p>
17.	<p>Appointing the vice chairman of council, committee chairmen and committee vice-chairmen is a function of the council it is not delegated to the committee for in year changes, should it be?</p> <p>Should there be any guidance or restrictions on how appointments are made?</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	<p>Remain as full council decision. From which group these appointments could be taken from should not be part of the constitution, requires flexibility.</p>
18.	<p>Currently amendments to motions are made without any advance notice. Do you agree with this current arrangement? If not what alternatives would you suggest?</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	<p>Agreed – amendments to motions to be normally submitted by 9:30 am on the morning of the relevant meeting. Don't want to limit ability to raise during debate.</p>
19.	<p>Should call-in still apply to all member decisions or just key decisions?</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	<p>Call-in to apply to all executive decisions including officers and joint executive committees.</p>

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Engagement		
20.	<p>Provision for public questions at committee and cabinet meetings is being progressed (see question 7 above); should the same provision be extended to elected members to enable members to engage more fully across the range of council decision-making and functions?</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	Agreed members should be able to ask questions at all meetings with appropriate controls.
21.	<p>To enable the views of all groups to be taken into consideration in significant executive decisions it is proposed that they be consultees on key decisions (and decisions of cabinet) and the views expressed on behalf of their group so recorded in the decision report as is already the case for ward members on ward-specific issues. It would be important to be clear that this would not amount to pre-decision scrutiny and that groups must be prepared to respond to consultation on a proposal in a timely way. Is this approach supported?</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	Agreed consultees.
22.	<p>Is there a need to specify any particular classes of member in attendance (eg group leaders) to have a right to speak at committees of the council (it is currently at the discretion of the chairman), and if so which groups and for what purpose?</p> <p>Feedback from focus groups:</p> <ul style="list-style-type: none"> <li>• See below</li> </ul>	No. Chairman's discretion as to who can speak at meeting but new provision for members questions.
Planning Functions		
23.	<p>Could the redirection process be made clearer/more effective – and how?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• the role of ward members in the planning process needed to be included in the induction for new councillors.</li> </ul>	Suggested that code state the reasons why a request for redirection would <u>not</u> be accepted. Have a

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	<ul style="list-style-type: none"> <li>• the criteria for redirection needed to consider very rural areas where a significant level of public interest was difficult to demonstrate</li> <li>• generally officers were already expected to take account of local circumstances when considering requests for redirection</li> <li>• good communication with planning officers was important</li> <li>• it was an officer decision whether to agree to a redirection request</li> <li>• an additional criteria on exceptional circumstances should be considered</li> </ul>	presumption towards redirection.
24.	<p>Is the time limit for exercising redirection workable and is discretion to extend that time working?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• councillors did not always have all the information needed to reach a decision within the time limit</li> <li>• parish council meetings were sometimes very late in the consultation period so members were not always fully aware of local sentiment until the end of the period</li> <li>• circumstances when extensions to the time limit could be requested needed to be clearer</li> <li>• officers were expected to take account of the circumstances</li> </ul>	<p>Agreed – time limit generally works.</p> <p>Suggested that language be softened to include words ‘normally’ or ‘ideally’.</p>
25.	<p>Are the rules on speaking clear and effective?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• this was felt to be clear and working well</li> <li>• rules on giving personal explanations were covered under a different section</li> </ul>	Agreed – rules are clear and effective.
26.	<p>Is the guidance on pre-determination clear?</p> <p>Does the guidance on pre-determination need updating in relation to changes to the Localism Act 2011?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• the constitution needed updating to reflect the Localism Act 2011</li> <li>• the current planning code appeared to give guidance that members of the planning committee should not also sit on the planning committee of the parish council, this was not the case and this section required clarification</li> </ul>	Agreed – guidance to be revised to ensure compliance with recent legislation.



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	<ul style="list-style-type: none"> <li>• the guidance on sitting on both a parish council and Herefordshire council's planning committee applied even if the parish was outside the councillor's ward</li> <li>• the new system where the ward member did not vote on an application in their ward was clear and working well</li> <li>• councillors required more training on pre-determination</li> <li>• particular guidance was needed on applications with significant political sensitivities, for example where manifesto commitments directly supported or objected to certain types of development</li> </ul>	
27.	<p>Is the role of ward members clear?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• this was felt to be clear and working well</li> </ul>	Agreed – role of ward members is clear.
28.	<p>Is the role of adjoining members clear?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• this was felt to be generally clear</li> <li>• the principle should apply where the application was significant</li> <li>• need to consider the impact of any associated investment such as S106 contributions where they were used in wards other than where the application site was situated</li> </ul>	Agreed – role of adjoining members does not need to be changed.
29.	<p>If there are significant numbers of adjoining members should a limit be imposed e.g. up to three? (Chairman's discretion would be retained.)</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• no limit should be imposed, the chairman's discretion should continue to be used</li> <li>• this should be proportionate to the scale and impact of development</li> </ul>	Agreed – no limit should be imposed, retain chairman's discretion.
30.	<p>What about when a committee member is the ward member? Is this clear?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• this was felt to be clear and working well.</li> </ul>	Agreed – guidance is clear and system works well.

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31.	<p>What is the role of the committee as a consultee on policy matters?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• the committee should have a proactive role in policy matters, for example in debating need for supplementary planning documents</li> <li>• scrutiny was a separate role from being a consultee</li> <li>• issues could be raised through a motion to full council or by referral to the chairman of the scrutiny committee</li> </ul>	<p>Suggested that scrutiny is appropriate body to review policies and garner views of members.</p> <p>Suggested that member training continue to be reviewed and improved – member development working group to look at this.</p>
32.	<p>What is the role of the committee for receiving information on appeals and JR?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• it was noted that there was no legal requirement for the committee to receive information on appeals and JR</li> <li>• the receipt of information on appeals was not a stated function of the committee</li> <li>• the option of a separate informal session or seminar to receive information on appeals and relevant case law was discussed</li> <li>• information on appeals was of interest to all councillors in relation to their ward, not just members of the planning committee</li> <li>• officers highlight relevant decisions in updates issued at committee meetings</li> </ul>	<p>Suggested that this is a training and development requirement not a function of the committee.</p> <p>Suggested that a briefing for members would be appropriate way to disseminate this information.</p>
33.	<p>Is the role of planning committee members who are also parish council members clear?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• this was felt to be clear and working well.</li> </ul>	<p>Agreed – the role is clear.</p>
34.	<p>Is the size of the committee correct?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• it was felt that the size of the committee was appropriate</li> </ul>	<p>Suggested – if amalgamation with regulatory committee takes place then size of committee should be reviewed.</p>

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	<ul style="list-style-type: none"> <li>it was noted that the size of the committee ensured representation across most areas of the county, although this was not a legal or functional requirement</li> <li>members of the committee were expected to have knowledge of all areas of the county</li> <li>there was discussion of the public perception if parts of the county were not represented</li> </ul>	
35.	<p>Should a reserved list of substitutes be appointed by council each year?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>it was felt that all councillors should be trained in planning matters so that any could serve as a substitute when necessary</li> </ul>	<p>No – continue to train all councillors in planning matters as beneficial in regard to applications in their ward as well as allowing substitution.</p>
	<p>General Comments</p> <ul style="list-style-type: none"> <li>the public understanding of the role of the ward member needed improving</li> <li>the number of retrospective planning applications was a concern, but it was not a function of the planning committee to address this</li> <li>the relationship between councillors and planning officers had improved with more proactive communication between the two</li> </ul>	
Regulatory Functions		
36.	<p>Could the functions effectively be merged with planning?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>it was felt that the current arrangement worked well, the two committees should remain separate</li> <li>there was concern over the workload of the combined committee</li> <li>the function of the regulatory committee was to receive an annual report and information on appeals and JRs</li> <li>the majority of the work was centred on the sub-committee</li> <li>there was discussion whether the regulatory committee could consider licencing of Houses of Multiple Occupation, the legal options around this would be explored</li> </ul>	<p>No need for a separate regulatory committee. Planning committee can be the licencing committee too. Retain use of subcommittee. No additional function for planning as delegated to subcommittee and officers.</p> <p>Licensing of HMOs is an executive function would require a cabinet committee</p>

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		and not having a licence is a criminal offence so overseen by the magistrates court. Licensing of HMOs should remain with officers.
37.	Should committee size change to enable that?  Feedback from focus group: <ul style="list-style-type: none"> <li>it was felt that the current arrangement worked well, no changes should be made</li> </ul>	Yes (See question 63 for options.)
38.	Does the use of a sub committee work?  Feedback from focus group: <ul style="list-style-type: none"> <li>it was felt that the current arrangement worked well, no changes should be made</li> </ul>	Agreed – the use of subcommittee works well.
39.	Should the name of the sub committee be changed to licensing?  Feedback from focus group: <ul style="list-style-type: none"> <li>it was felt that the name should not be changed</li> </ul>	Agreed.
Scrutiny Functions		
40.	Is the balance of functions correct if we are to maintain two committees? (eg should education and community safety go to HSCOSC?)  Feedback from focus group: <ul style="list-style-type: none"> <li>It was noted that a suggestion had previously been made of designating three scrutiny committees to reflect the three directorates of the council</li> <li>Concerns were raised about whether there would be enough interest from councillor to sit on more committees. Members could end up making up the numbers on a committee in whose remit they had little interest.</li> <li>The chair of HOSC stated she did not feel that an additional scrutiny committee was required</li> <li>Concern was expressed over the large remit and workload of HOSC</li> </ul>	Split functions between 3 scrutiny committees.  <b>Planning and regulatory committee</b> – existing planning functions and forms the pool from which the regulatory subcommittee is drawn.  <b>Children’s wellbeing overview and scrutiny committee</b> – children’s social

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	<ul style="list-style-type: none"> <li>• The view was expressed that the overview function needed to be more prominent and that the scrutiny committees should not purely react to decisions made or to be made</li> <li>• Current practice allowed any member to bring forward issues to the chairmen of the scrutiny committees but this needed setting out explicitly in the constitution</li> <li>• It was noted that council would make the final decision on the number of scrutiny committees so there would need to be majority support for any change.</li> <li>• The planning section on public participation should make it clearer when and where members of the public can engage. It will also set out what a ward member can and cannot do to support members of the public.</li> <li>• There was discussion on the workload of the scrutiny committees. It was noted that the workload for councillors would remain unchanged regardless of the number of committees. There was a suggestion that having three committees would allow each to have a clear remit and would help to manage the workload, while accepting that there would be a cross over in membership of each committee.</li> <li>• It was suggested that the existing two scrutiny committees might need to meet more frequently in order to keep the number of items per agenda lower. There was concern that long agendas did not give adequate time for all items to be properly debated.</li> <li>• There were a variety of reasons why the majority did not support increasing the number of scrutiny committees.</li> <li>• It was noted that there is no statutory number of councillors who must sit on a scrutiny committee.</li> </ul>	<p>care and safeguarding, transition from children's to adult social care, children's specific statutory health scrutiny, education.</p> <p><b>Adults and wellbeing overview and scrutiny committee</b> – adult social care and safeguarding, housing, public health, adult and cross cutting statutory health scrutiny, housing.</p> <p><b>General overview and scrutiny committee</b> – services within the economy, communities and corporate directorate, corporate performance, corporate budget and policy development, statutory scrutiny functions re flood management and community safety/policing.</p> <p><b>Audit and governance</b> – retains existing functions</p> <p><b>Employment Panel</b> – retains existing functions</p>
41.	Are the call-in provisions sufficiently clear?	Agreed – clarity required on criteria used by monitoring

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	<p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was felt that the provisions could be clearer.</li> <li>• Better communication was required so that all members were clear when a decision was made and how long they had to call it in</li> <li>• Chairs of task and finish groups would like to receive feedback on recommendations going to cabinet ahead of publication to allow dialogue with relevant cabinet members.</li> <li>• The importance of the forward plan was stressed in identifying upcoming decisions.</li> <li>• There was discussion regarding who could sign call in papers. It was stated that the current process required three members of the relevant scrutiny committee who could not all be members of the same political group. It was felt that this should be expanded so that any members could sign the papers so long as they were not all members of the same political group.</li> </ul>	<p>officer to decide if call-in is valid.</p> <p>Agreed – call in period should be extended to 4 days to allow time for councillors to formulate an argument and gather evidence.</p>
42.	<p>Should officer decisions taken under delegated authority in relation to executive functions be subject to call in?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was felt that these decisions should be subject to call in.</li> <li>• It was noted that as the statutory scrutiny officer was currently the Director for Economy Communities and Corporate there could be some conflict where decisions were made by him in his capacity as a director of the council. The reallocation of the scrutiny officer role is currently under consideration.</li> </ul>	<p>Agreed – officer decisions should be subject to call in.</p>
43.	<p>Are the public speaking arrangements proportionate?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was noted that public participation was the exception rather than the rule.</li> <li>• It was felt that the arrangements were not explicit and that a long and complicated set of rules around public speaking would deter engagement.</li> <li>• Where members of the public do currently speak there was felt to be generally good practice in place.</li> <li>• The potential of requiring a written copy of the question in advance and imposing a limit on the number of words was discussed. This was felt to be too restrictive. It was noted that the chairman should control the meeting and intervene if speakers were too long or rambling.</li> </ul>	<p>Agreed – arrangements are proportionate. There should be some flexibility with the chairman exercising discretion.</p>

	<b>Question</b>	<b>Working group response</b>
	<ul style="list-style-type: none"> <li>It was suggested that the public speaking section of the constitution should make it clear that the chairman could limit the length of questions at his or her discretion</li> <li>It was noted that the aim was to achieve consistency across all committees with the exception of planning which has specific rules regarding public participation.</li> </ul>	
44.	<p>Do task and finish groups work well? Any improvements?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>It was felt that the constitution should clarify that the chair of the group must be a scrutiny committee member but that the other members did not have to be.</li> <li>There was concern that members feel they are not able to influence the outcome of task and finish groups in the way they would like. This may result in a lack of volunteers.</li> <li>It was noted that those individuals with the most interest or relevant experience can make the best contribution, regardless of their other roles.</li> <li>There was a request to clarify the status of co-optees on the scrutiny committees and on task and finish groups.</li> </ul>	<p>Agreed – make clear that any councillor can sit on a task and finish group without being a member of the parent committee.</p> <p>Agreed – make clear that the parent committee would set the membership, chair, desired outcome and time frame for the group. Parent committee would also determine if special responsibility allowance was appropriate.</p>
45.	<p>Should we specify how all members can get involved in scrutiny?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>It was agreed this should be added to the constitution.</li> </ul>	<p>Agreed – yes make clear in constitution.</p>
46.	<p>Should we define other types of reviews ie spotlight?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>It was agreed this needed greater clarity.</li> </ul>	<p>Agreed – needs greater clarity as terminology may not be familiar to all.</p>
	<p>General Comments:</p> <ul style="list-style-type: none"> <li>There was discussion whether the educational co-optees should reflect the various types as well as categories of schools e.g. academies and maintained schools.</li> </ul>	

	Question	Working group response
	<ul style="list-style-type: none"> <li>• There was also discussion on whether a representative of NHS England should be a co-optee on HOSC. However it was noted that in the past there had been difficulty getting consistent attendance from such bodies.</li> <li>• It was noted that some councils have the ability on their website to register interest in a particular topic or subject area so interested parties can be prompted when items are coming forward. This might also result in a pool of interested persons who could be drawn up to contribute to discussion on a particular topic.</li> <li>• It was noted that some of the proposed changes to the functions of the scrutiny committees reflect changes in legislation.</li> <li>• Where scrutiny was seeking to influence policy the committees needed to be proactive and have input early in the process. Where scrutiny took place too late in the process there was limited opportunity to effect meaningful change to recommendations.</li> <li>• It was commented that the work programme might need adjusting to reflect the different types of work undertaken by the scrutiny committees and to highlight the balance between overview functions and scrutiny work.</li> <li>• It was noted that in order for scrutiny committees to make a positive contribution to policy formation the executive needed to be willing to delegate items for review.</li> </ul>	
<b>Cabinet Functions</b>		
47.	<p>Is the explanation of where executive decisions are taken /scheme of delegation sufficiently clear?</p> <p>Feedback from leader's briefing: Yes – but clarity on when officers take an executive decision is needed.</p>	Agreed – greater clarify needed on which decisions were taken by officers.
48.	<p>Is the definition of operational and executive functions clear?</p> <p>Feedback from leader's briefing: Needs more clarity – and see above. Also need to ensure all members and officers understand once the constitution is adopted.</p>	Agreed – definitions were clear but extra clarity might help.



	<b>Question</b>	<b>Working group response</b>
49.	<p>Is the role of cabinet support members clear?</p> <p>Feedback from leader's briefing:            Yes – they have no decision-taking or executive responsibility. They provide an additional perspective to the cabinet member and support e.g. with attendance at some external meetings. Also useful as succession planning, particularly if support roles are periodically rotated.</p>	<p>Agreed – role is clear but needs describing in the constitution.</p>
50.	<p>The current cabinet rules require cabinet members to be seated separately from officers and other members to make it clear to those in attendance who is taking the decision – should this be retained?</p> <p>Feedback from leader's briefing:            Yes – and also change layout of meetings to provide greater transparency of roles. Consider colour code name plates?            Include explanation at beginning of each meeting of who is there and why.</p>	<p>Suggested that consideration be given to ways to improve clarity such as colour coded nameplates and changes to seating arrangements.</p>
51.	<p>Is the role of those entitled to speak at cabinet meetings clear?</p> <p>Feedback from leader's briefing:            Yes – but this needs to be clarified (see above) and managed.            Consider providing a mechanism for including group views in the consultation section of a key decision report or otherwise tabling as a supplement to the agenda.            Member guide to how to get involved in decision-making to be produced – don't want to stifle or block consideration of other views or contributions but do want these to be raised appropriately and in a timely manner – Cabinet meetings are not the forum for scrutinising decisions and any substantial concerns or questions on content should be raised with the cabinet member or lead director before the meeting to enable those concerns or questions to be properly addressed. All members should make more effective use of the information available to them such as the forward plan.</p>	<p>Suggested – political groups to be consulted for views as part of report writing process.</p>
52.	<p>Are the proposed arrangements for public questions at cabinet clear? (See also question 8)</p> <p>Feedback from leader's briefing:</p> <ul style="list-style-type: none"> <li>Prefer not to allow public or member questions as concern that this will duplicate the process already in place at Council.</li> </ul>	<p>Suggested – questions would be limited to the function of the committee or items on the agenda on that day. Questions would be submitted 2 days in advance of the</p>

	Question	Working group response
	<ul style="list-style-type: none"> <li>• Would be helpful to include provision for members of the public to make representation/statements.</li> <li>• Consider giving ward member the role of asking the question/making representation on behalf of the constituent.</li> </ul> <p>Feedback from chairman of the council:</p> <ul style="list-style-type: none"> <li>• Query if a limit on the number of questions that can be asked per year is necessary</li> </ul> <p>Feedback from seminar</p> <ul style="list-style-type: none"> <li>• Limit of 50 words for questions is too restrictive</li> </ul>	<p>meeting and limited to 70 words. An individual would only be allowed to ask 6 questions per municipal year across all committees.</p>
Audit and Governance Functions		
53.	<p>Is it clear the role of the committee in relation to governance (i.e. to assure effectiveness rather than approve)?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was noted that the Audit and Governance committee was primarily concerned with ensuring that correct processes were being followed</li> <li>• The guidance gives the role of the committee as to review and approve – the scope and nature of the approval role needs to be clear</li> <li>• It was noted that some items have been delegated to the committee to approve, these need to be made clear</li> <li>• There was consensus that details in the constitution should be given in one place only to avoid duplication and improve clarity.</li> <li>• It was stated that the language used should be clear and consistent.</li> <li>• There was a comment that the information presented to the committee must include all the necessary evidence and be presented in such a way as to enable the committee to make a clear judgement and decision.</li> <li>• It was suggested that the responsibilities with regard to the LEP should be referenced.</li> </ul>	<p>Agreed – guidance does not need to be included in the constitution but remains available to assist committee.</p> <p>Suggested – that contract procedure and finance rules could be delegated to audit and governance committee.</p> <p>Clarity needed to ensure there is not an overlap between the audit and governance functions and the scrutiny functions.</p>
54.	<p>Is an audit and governance code necessary if the functions scheme is explicit?</p> <p>Feedback from focus group:</p>	<p>Include in function of committee ability to adopt own code.</p>

	Question	Working group response
	<ul style="list-style-type: none"> <li>• It was stated that the code was useful to elaborate on the details of the functions of the committee.</li> <li>• It was suggested that having a separate sub-document or appendix containing the detailed responsibilities allowed updates to be made to reflect new or altered responsibilities without having to change the whole constitution.</li> <li>• There was discussion of the role of the committee in relation to the waste management contact. The current role was associated with the risk around one particular element of borrowing rather than the management of the contract itself. It was noted that other authorities had chosen to create a specific body for this function but Herefordshire had chosen to add it to an existing committee.</li> <li>• There was discussion of the scrutiny functions which could potentially fit with work carried out by the audit and governance committee. It was stated that the committee was not a scrutiny committee, although it did follow some of the rules relating to scrutiny.</li> <li>• It was noted that the status of working groups established by the committee needed clarification.</li> <li>• It was noted that any additional responsibilities or functions delegated to the committee must be reflected in the constitution and/or code.</li> </ul>	
55.	<p>Is responsibility for appointment of external and internal audit functions clear?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was felt that the responsibility was clear.</li> <li>• There was discussion around the degree of independence of the internal and external auditors. It was noted that there would always be some kind of contractual arrangement with auditors and that it was a matter of having confidence in their work.</li> <li>• It was noted that the chairman of the audit and governance committee had been appointed to the members' board of the south west audit partnership and that part of this role was to ensure that the auditors were appropriately independent.</li> <li>• It was noted that audit and governance committee could choose to examine if they were happy with the audit process and the work of the auditors.</li> <li>• There was discussion as to whether the committee could only audit the information provided or whether it could request other information.</li> </ul>	Agreed – the responsibility is clear.

	<b>Question</b>	<b>Working group response</b>
56.	<p>Are the differing roles and responsibilities of AGC and scrutiny sufficiently clear?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was stated that the role of the audit and governance committee was to consider processes and ensure they were followed correctly. It was noted that the committee did query information that was presented where necessary but that it must fall short of querying the operational work of the council.</li> <li>• It was felt that the distinction between the audit and governance functions and scrutiny could be clarified further.</li> </ul>	<p>Agreed – the roles and responsibilities are clear.</p>
57.	<p>It is proposed that the code of corporate governance be moved from the introduction of the constitution to part 5 to give a higher profile; is that supported?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was noted that there was an intention to only state information once in the constitution and not duplicate in different sections.</li> <li>• It was felt that corporate governance was an important role and that it should be prominent at the beginning of the constitution, even if this was then explained more fully in part 5.</li> </ul>	<p>Agreed – that the preamble be removed and that the code of corporate governance be moved to the code section.</p>
58.	<p>What should the annual report from the monitoring officer achieve?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was noted that there was no legal requirement for this report to be put to the audit and governance committee. Around 50% of councils did produce an annual report. There was no guidance on what the content should be and no consistent practice within those councils that did produce one. This also applied to the report from the S151 officer.</li> <li>• There was agreement that the committee should continue to receive the annual reports.</li> <li>• It was suggested that the reports should reflect the statutory functions of the officers and summarise how these functions had been carried out. The report should also draw attention to anything that the officers feel is important.</li> <li>• It was stated that the reports should not be formulaic, merely reiterating what had already been discussed at previous committee meetings, but must add to previous discussions.</li> </ul>	<p>Suggested – that contents of reports from monitoring officer and S151 officer be incorporated into the annual governance statement.</p>

	<b>Question</b>	<b>Working group response</b>
59.	<p>Should there be a stand-alone committee or sub-committee or working group of AGC to maintain oversight of the constitution going forward?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was noted that there was a standing delegation to the monitoring officer to make technical changes as required.</li> <li>• It was also noted that the constitution was not set in stone and would need to change from time to time to reflect circumstances. The exact frequency of changes could not be predicted.</li> <li>• There was a consensus that a standing group was not required. The audit and governance committee should be responsible for future review of the constitution and could establish a working group as necessary to deal with issues as they arose.</li> </ul>	<p>A standing working group was not required. A&amp;G would continue to review the constitution with a suggested annual review period.</p>
60a	<p>It could be that finance rules and contractual rules are delegated to audit and governance rather than being retained by full council. What are the views on this?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was stated that if this was what the council chose to do the audit and governance committee would take it on.</li> <li>• There was concern whether the committee was able to give these matters the attention required. The subjects considered could be complex and required clear explanation so that members of the committee could form a considered judgement.</li> <li>• It was noted that members needed training to fulfil the responsibilities of the committee and that the training should be as accessible as possible.</li> </ul>	<p>Agreed – these rules should be delegated to A&amp;G.</p> <p>Noted that the committee would have the option to refer items back to council if it felt the issue was too significant for it to determine.</p>
60b	<p>Are the finance procedure rules and contract procedure rules clear and provide adequate controls?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was stated that the committee expected to be thorough and deliberate and would take expert guidance as necessary.</li> <li>• It was noted that as the council was looking at contracting out more services this could be an area that the committee needed to examine in greater detail to ensure procedures were robust.</li> <li>• It was suggested that a reprise of recent audit work might help to identify weakness or gaps.</li> </ul>	<p>Agreed – A&amp;G would review the finance procedure rules and contract procedure rules outside of this constitution review.</p>

	Question	Working group response
61.	<p>Is the committee size correct?</p> <p>Feedback from focus group:</p> <ul style="list-style-type: none"> <li>• It was stated that the committee functioned adequately at the present time so there was no functional reason to change the size.</li> <li>• It was noted that turnout for the committee was sometimes disappointing and that finding substitutes was challenging as members needed a familiarity with the constitution and a depth of understanding of the matters for discussion.</li> </ul>	<p>Suggested – committee could be made smaller so long as cost neutral and no overall increase in number of meetings.</p>
	<p>General Comments</p> <ul style="list-style-type: none"> <li>• It was noted that the aims of the review were to make the constitution fit for purpose and easy to understand. It had always been planned to review all areas of the constitution as this is good practice but it also provided an opportunity to pick up on any issues that had been identified.</li> <li>• Councillors were reminded to comment on the tracked changed documents through their group representative on the working group.</li> <li>• It was noted that 3 members of the working group were present to hear the discussion.</li> </ul>	
<b>Modelling Change to Committee Structure</b>		
62.	<p>Is the proposed allocation of functions between the committees as set out below correct?</p> <p><b>Planning and regulatory committee</b> – existing planning functions and forms the pool from which the regulatory subcommittee is drawn. (The regulatory subcommittee could have a ‘standing chair’ who could be the vice chair of planning, with the planning chair acting as vice chair to the regulatory sub on those occasions where the standing chair has a conflict of interest.)</p> <p><b>Children’s wellbeing overview and scrutiny committee</b> – children’s social care and safeguarding, transition from children’s to adult social care, children’s specific statutory health scrutiny, education.</p> <p><b>Adults and wellbeing overview and scrutiny committee</b> – adult social care and safeguarding, housing, public health, adult and cross cutting statutory health scrutiny, housing.</p>	<p>Yes</p>

	<b>Question</b>	<b>Working group response</b>																																																																																																									
	<p><b>General overview and scrutiny committee</b> – services within the economy, communities and corporate directorate, corporate performance, corporate budget and policy development, statutory scrutiny functions re flood management and community safety/policing.</p> <p><b>Audit and governance</b> – retains existing functions</p> <p><b>Employment Panel</b> – retains existing functions</p>																																																																																																										
63.	<p>What is the preferred option for committee sizes?</p> <p><b>Option 1</b></p> <table border="1"> <thead> <tr> <th></th> <th><b>Con (29)</b></th> <th><b>IOC (11)</b></th> <th><b>Ind (8)</b></th> <th><b>Grn (2)</b></th> <th><b>Lib dem (2)</b></th> <th><b>Ungrouped</b></th> </tr> </thead> <tbody> <tr> <td><b>Planning &amp; Reg (15)</b></td> <td>8</td> <td>3</td> <td>2</td> <td>1</td> <td>1</td> <td>0</td> </tr> <tr> <td><b>General OSC (7)</b></td> <td>4</td> <td>1</td> <td>1</td> <td>1</td> <td>0</td> <td>0</td> </tr> <tr> <td><b>Adults and Wellbeing OSC (7)</b></td> <td>4</td> <td>1</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> </tr> <tr> <td><b>Childrens Wellbeing (7)</b></td> <td>4</td> <td>2</td> <td>1</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td><b>Audit (7)</b></td> <td>4</td> <td>2</td> <td>1</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td><b>Employment (5)</b></td> <td>3</td> <td>1</td> <td>1</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td><b>Total (48)</b></td> <td><b>27</b></td> <td><b>10</b></td> <td><b>7</b></td> <td><b>2</b></td> <td><b>2</b></td> <td><b>0</b></td> </tr> </tbody> </table> <p><b>Option 2</b></p> <table border="1"> <thead> <tr> <th></th> <th><b>Con (29)</b></th> <th><b>IOC (11)</b></th> <th><b>Ind (8)</b></th> <th><b>Grn (2)</b></th> <th><b>Lib dem (2)</b></th> <th><b>Ungrouped</b></th> </tr> </thead> <tbody> <tr> <td><b>Planning &amp; Reg (15)</b></td> <td>8</td> <td>3</td> <td>2</td> <td>1</td> <td>1</td> <td>0</td> </tr> <tr> <td><b>General OSC (9)</b></td> <td>5</td> <td>2</td> <td>1</td> <td>1</td> <td>0</td> <td>0</td> </tr> <tr> <td><b>Adults and Wellbeing OSC (9)</b></td> <td>5</td> <td>2</td> <td>1</td> <td>0</td> <td>1</td> <td>0</td> </tr> <tr> <td><b>Childrens Wellbeing (9)</b></td> <td>5</td> <td>2</td> <td>2</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td><b>Audit (7)</b></td> <td>4</td> <td>2</td> <td>1</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td><b>Employment (5)</b></td> <td>3</td> <td>1</td> <td>1</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>		<b>Con (29)</b>	<b>IOC (11)</b>	<b>Ind (8)</b>	<b>Grn (2)</b>	<b>Lib dem (2)</b>	<b>Ungrouped</b>	<b>Planning &amp; Reg (15)</b>	8	3	2	1	1	0	<b>General OSC (7)</b>	4	1	1	1	0	0	<b>Adults and Wellbeing OSC (7)</b>	4	1	1	0	1	0	<b>Childrens Wellbeing (7)</b>	4	2	1	0	0	0	<b>Audit (7)</b>	4	2	1	0	0	0	<b>Employment (5)</b>	3	1	1	0	0	0	<b>Total (48)</b>	<b>27</b>	<b>10</b>	<b>7</b>	<b>2</b>	<b>2</b>	<b>0</b>		<b>Con (29)</b>	<b>IOC (11)</b>	<b>Ind (8)</b>	<b>Grn (2)</b>	<b>Lib dem (2)</b>	<b>Ungrouped</b>	<b>Planning &amp; Reg (15)</b>	8	3	2	1	1	0	<b>General OSC (9)</b>	5	2	1	1	0	0	<b>Adults and Wellbeing OSC (9)</b>	5	2	1	0	1	0	<b>Childrens Wellbeing (9)</b>	5	2	2	0	0	0	<b>Audit (7)</b>	4	2	1	0	0	0	<b>Employment (5)</b>	3	1	1	0	0	0	<p>Members of working group to gather views from political groups on whether 7 or 9 members for scrutiny committees is preferred. This can be a decision for the AGM</p>
	<b>Con (29)</b>	<b>IOC (11)</b>	<b>Ind (8)</b>	<b>Grn (2)</b>	<b>Lib dem (2)</b>	<b>Ungrouped</b>																																																																																																					
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Question							Working group response	
	<b>Total (54)</b>	<b>30</b>	<b>12</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>0</b>	
64.	It is proposed that any councillor will be able to be a signatory to a call in request with a four day call in period. How many signatures should be required to trigger a call in? Other councils with this model vary between 5 and 15 signatures.						Agreed – 7 signatories to be required, must be from more than one political group	
65.	Should role profiles for members be included in the constitution?						Yes	
<b>Additional questions arising from members seminar</b> Amended recommendations were also made to previous questions following discussion at the seminar.								
66.	Under article 2 should the constitution include examples of quasi-judicial functions e.g. planning?						Yes	
67.	Should the constitution detail alternative arrangements that could be put in place for executive and management functions?						No. The constitution must reflect the arrangements currently in place. If council agrees changes to structures in future then a statutory process must be followed.	
68.	Should proposed amendments to the budget and alternative budgets be subject to the same process?						No. Alternative budgets are different and should be subject to scrutiny. The Section 151 officer will advise if multiple amendments constitute an alternative budget.	
69.	Should cabinet support members be prevented from sitting on overview and scrutiny committee?						No. Preventing cabinet support members from sitting on scrutiny committees would make the pool of available members from the majority group very small.	



	Question	Working group response
		The constitution clarifies that members should not be involved in scrutinising decisions in which they had a direct input.
70.	Any member of an overview and scrutiny committee can propose an item they wish the committee to consider and it will be included on the next available agenda. Should we define the term next available and the role of the chairman?	Yes - clarify this wording following g the law. Must be on an agenda and discussed at meeting.
71.	Does the reference to party whipping in relation to scrutiny committees need updating?	Agreed that paragraph should be reworded to clarify that whipping arrangements should not apply.
72.	Should the function of the audit committee in overseeing governance of joint arrangements be made clearer?	Yes - the function is already included but needs clarification. Link to adopted partnership governance framework. Risks identified through the framework assessments will be reported to audit and governance.
73.	Should members be required to specify the relevant paragraph of the constitution when raising points of order?	Members should be required to specify the section of the constitution but not the exact paragraph reference.
74.	Should ward members be limited in the length of time they can speak on planning applications?	No – it is for the chairman to manage the meeting. Remove any reference to time limit for ward members.

	<b>Question</b>	<b>Working group response</b>