

Working group consultation recommendations

The table below summarises the key changes made to the content of the constitution and the link to the relevant design principle agreed by audit and governance committee. The design principles are:

- a) Members and officers perform effectively in clearly defined functions and roles
- b) Member engagement and participation is maximised, including the involvement of all members in the development of key policies
- c) Decision making is informed, transparent and efficient
- d) The council welcomes public engagement and makes accountability real

	Question	Working group response	Con Ref	Change made	Design Principle
Public participation					
1.	Currently the public are able to ask one question at all committees (save Regulatory and planning). Prior notice of the question is required with one supplementary at the meeting at the chairman's discretion. Questions have a criteria applied before being accepted 30 minutes allocated for questions to council, 15 minutes for other meetings. Do you agree that the public should be able to ask questions at all meetings? What changes do you think are required to the current process?	<p>Yes.</p> <p>Questions which are referred from one committee to another are referred as questions and not as issues.</p> <p>Questions can be delivered in writing as well as email.</p> <p>Answers to public questions to be published prior to any meeting.</p>	<p>4.1.58 and 4.1.59</p> <p>4.1.49</p> <p>New number</p> <p>5.8.14 4.1.43</p> <p>5.8.21; 5.8.22; 4.1.43; and 4.1.56</p> <p>4.1.43 5.8.14</p>	<p>Delete paragraph because questions can be asked at cabinet or committee</p> <p>Amend (c) – so words in brackets a separate criteria and inserted a new number Insert sentence “Monitoring officer is authorised to direct an accepted question to the relevant committee” 5.8.14 - Insert in writing and address” 4.1.68 insert address (NB: website will need to be changed if amendment approved)</p> <p>Insert “and answers” 5.8.22 and 4.1.43 – 4.1.56 - insert wording “Answers to accepted questions will be published before the start of the meeting” and delete words “a question”</p> <p>Change to deadline for questions from 2 working days to 3 working days to reflect that</p>	D

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				<p>answers will be published prior to the meeting. (NB: website will need to be changed if amendment approved) (NB: operational process for dealing with questions to be reviewed)</p>	
			4.1.51 and 4.1.52	Delete as questions and answers will not be read as they will be published prior to the meeting.	
			4.1.54	Delete the word “also” Replace word “put” with “ask” Delete rest of sentence from “without notice” to full stop	
		The limit on number of questions per municipal year to be removed.	4.1.47 5.1.16	Delete wording to remove limit (NB: website will need to be changed if amendment approved)	
		The word limit to be increased to 140 words to allow context setting.	4.1.49 (a) 5.8.19	Change from 70 words to 140 (NB: website will need to be changed if amendment approved)	
		Written responses to be provided normally within 14 days but at a maximum of 28 days after the meeting.	4.1.56 5.8.25	Insert wording to reflect responses to be provided within 14 days.	
		A public participation guide be updated		Not in constitution. Democratic services manager to consider update to website about questioning techniques	
2.	Should this apply equally to members questions?	Yes			B
	What changes do you think are required to the current process?	Deadline for questions to be amended	4.1.67	<p>Delete words “two” and “Tuesday”. Insert words “three” and “Monday”</p> <p>NB: How all councillors can participate in the democratic process document to be updated</p>	
		Questions which are referred from one committee to another are referred as questions and not as issues.	4.1.69	Amend (c) – delete words in brackets and inserted a new number	
			New number	Insert to give monitoring officer is authorisation to direct an accepted question to the relevant committee”	

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		Answers to councillors questions to be published prior to any meeting.	4.1.76	Insert the words “will be published prior to the meeting. An answer to a ...” Insert words “within fourteen days of the meeting”	
		The word limit to be increased to 140 words to allow context setting.	4.1.69 (a)	Change from 70 words to 140 NB: How all councillors can participate in the democratic process document to be updated	
		Written responses to be provided normally within 14 days but at a maximum of 28 days after the meeting.		Insert wording to reflect responses to be provided within 14 days.	
<p>Functions of committees.</p> <p>The functions scheme sets out the current allocation of council functions to committees. There is no set format for these and different councils adopt different structures. -</p>					
3.	Are the committee sizes right?	Yes, subject to annual review.	N/A	No change to constitution	N/A
4.	Scrutiny activity is currently carried out by three committees: Is this balance of responsibilities working effectively? If no please outline the concern.	<p>No, recommend that “budget” is inserted into all three committees functions.</p> <p>The logistics of reporting any recommended budget changes from scrutiny committees to be agreed by Statutory Scrutiny Officer as operational process</p>	3.4.5	Insert word “Budget” into the remits of adult and wellbeing scrutiny committee; children and young people scrutiny committee and general scrutiny committee.	C
5.	<p>The constitution currently requires the annual review of code of conduct complaints by the Audit and Governance committee.</p> <p>What should this report contain?</p>	<p>Report should contain:</p> <ul style="list-style-type: none"> • Overall figures and trends • Appendix – no of upheld complaints against trend • No of complaints upheld by parish council <p>In accordance with what would be released through any Freedom of Information request</p> <p>Agreed that names of councillors would not be released unless a complaint is referred to the standards panel and there is found to be a breach of the code of conduct.</p> <p>Vote:</p> <p>5 For in support of not naming councillors 4 Against not naming councillors.</p>	3.5.14(f)	Insert the words “overall figures and trends and reference to the number of complaints upheld by reference to unitary and town parishes”.	C

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6.	<p>Council has agreed that the arrangements for determining breaches of the code of conduct for members will include, where the matter cannot be resolved informally, the consideration of the complaint by the standards panel.</p> <p>The function of the panel is to consider submissions made either in person or in writing by the complainant, the subject member and the monitoring officer and produce a report for consideration by audit and governance committee or parish council as appropriate.</p> <p>Is this arrangement appropriate?</p> <p>The code of conduct complaint procedure agreed by the audit and governance committee is that wherever possible the MO will resolve complaints in consultation with the Independent person. The MO decision is final. Reference to the standards panel will occur where a formal investigation has taken place and MO resolution is not appropriate.</p> <p>Are these arrangements appropriate?</p>	<p>Changes agreed.</p> <p>Agreed that the standards complaint procedure needs to be amended.</p> <p>Details of changes to be included on revised form.</p>	<p>New Number</p> <p>3.5.17</p> <p>2.8.24</p> <p>2.8.22</p>	<p>"New number / function: "The panel will also undertake an annual sample review of decisions made by the Monitoring Officer under the code of conduct complaints procedure."</p> <p>Inserted: appeals process</p> <p>Insert words to reflect appeal and sampling</p> <p>A member of the audit and governance committee.</p>	
7.	<p>How can the HWBB be improved?</p> <p>If no please set out what alternatives you would propose?</p>	<p>No, following discussion of a report presented to the working group advising of the changes requested by the Health and Wellbeing Board, those changes were agreed.</p>	<p>2.8.9</p> <p>2.8.10</p> <p>2.8.12</p> <p>3.5.23</p>	<p>Amendments to:</p> <p>Membership</p> <p>Voting</p> <p>Functions of the board</p>	
Procedure rules					
8.	<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?</p> <p>If not what alternative arrangement would you propose?</p>	<p>Yes, constitution to remain unchanged.</p>	N/A	No change to constitution	N/A
9.	<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).</p> <p>Do you agree with consulting with all members as consultees?</p>	<p>Yes.</p> <p>Democratic Services Manager to review process and circulate to working group for comment.</p>	N/A	No change to constitution	N/A

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	If Yes what changes are required to the process?				
Decision making					
10.	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)?	No, constitution to remain unchanged	N/A	No change to constitution	N/A
11.	A number of officer decisions taken under delegation 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). Do you agree with the £50k limit currently set? If not please indicate what you think that limit should be.	Yes, constitution to remain unchanged	N/A	No change to constitution	N/A
Code of conduct					
12.	Should the members schedule 2 interests remove requirement for general position or control?	No, vote taken as detailed below. In favour: 4 Against: 4 Abstention: 1 Failed to carry so no change to constitution recommended	N/A	No change to constitution	N/A
Planning					
13.	Is redirection clear?	Agreed that a template for record of decision to be created. Ward Member to be invited to the discussion about any potential direction	4.8.18 4.8.30	Change word from "apply" to "occur" Inserted "together with the Member to the re-direction" Inserted "decision will be confirmed in writing"	

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14.	Could the code and rules be amalgamated?	No documentation presented therefore no changes proposed. However, suggested that there is a focus on planning at the time of the next review.	N/A	No change to constitution	N/A
15.	Can amendments be made to reports in public meetings, if so how?	Yes, no change to the constitution	N/A	No change to constitution	N/A
16.	Director of public health recruitment – make it clear that the recruitment process is run under Public Health England regulations and not solely in the remit of the employment panel	Agreed – functions of employment panel to be amended to reflect that the panel are confirming the appointment of the director of public health based on the recommendations of Public Health England following the recruitment process	4.9.5	New sentence “Where the appointment is for the director of public health, this process is undertaken jointly with the secretary of state for health in accordance of Section 73a of the National Service Health Act 2006”	C
17.	Are there sufficient meetings of the full council	No, recommend change to say a minimum of 4 meetings	4.1.13 (row 2)	Insert words “A minimum of” starting “Ordinary Meetings” Added in column for numbering to allow accurate cross-referencing Minimum number meeting would have to be held even if no business so amendment made	B
	Overruns of council meetings	Agreed to recommend that there is flexibility within the constitution to allow council meetings to run into the afternoon.	4.1.17	Insert words “Where the chairperson considers that the meeting may exceed 3 hours, then notice will be given at the time of publication of the agenda that the meeting will become an all day meeting”	B
17a	Motions to be capped.	Yes, recommend that the cap of 3 motions be re-introduced.	4.1.86	Insert words “to a maximum of 3”	B and C
18.	Postponement of meetings (currently the chairman can cancel not but postpone)	Yes, recommend that chairperson can allow postponement of meetings	4.1.19	Insert words “or postpone	A
19.	Consistency in minuting of meetings and role of audio/video casting	Overtaken by decision on audio minutes and motion debated at full council on 9 March 2018.	N/A	No change to constitution	N/A
20.	Revision to process for amendments to notices of motion in council debate	Following changes to be recommended: Make it clear that the motions flowchart does not apply to the budget debate; and Make it clear that amendment to motions can be moved at any time during the debate	Part 4, Section 1, Appendix 1,	Insert onto flowchart: 1. At bottom of page Asterisk which states “Amendments to motions can be moved at any time during the debate” 2. At bottom of page add: “Please note that this flowchart does not apply to the annual budget debate. The budget debate rules are set out in Part 4, Section 3 of the constitution”	

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21.	Does the time limit that applies to motions also apply to reports	As no change in number 15 above, no change	N/A	No change to constitution	N/A
22.	Agreed motions to council are not being acted upon by officers in a timely manner, sometimes not at all	Agreed to recommend that an update on all outstanding actions in connection with motions to be included on the motions report	4.1.15	At line 20 insert "Report will also include progress of all outstanding resolutions." Inserted numbering on table to aid accurate cross-referencing	C
23.	What is the role of group leader and scrutiny chair at cabinet	Discussed but no further action	N/A	No change to consultation	N/A
24.	Members of scrutiny committee engaged in call in should not be allowed to cross the floor and join the committee during the debate	Yes they can so no change to the constitution	N/A	No change to constitution	N/A
25.	Does a report need to be proposed and seconded?	As no change in number 15 above, no change	N/A	No change to constitution	N/A
26.	Personal explanation need to make it clear	Insert the word "misquoted"	4.1.128	Insert words "or misquoted"	B
27.	Council should be more parliamentary with time to debate issues of importance that cabinet have discussed.	Not part of the constitution	N/A	No change to constitution	N/A
28.	Gender neutral constitution	Agreed that the constitution should be gender neutral. Agreed that references to chairman should be changed to chairperson Agreed that he/she should be they	Various	Replace word chairman with chairperson Replace he/she with they	
29.	NHS constitution needs to be reflect in constitution with regard to decisions which affect health.	No change required to the constitution. (NB: Good decision guide needs to be updated so that officers are aware that they need this into account)	N/A	No change to constitution	N/A
30.	3.4.2 - scrutiny functions. Executive functions would only be reported to council. Typo	Agreed, that this was a typing mistake.	3.4.2 (b) and (d)	Deleted words: "all the cabinet" and "the authority or to"	
31.	Planning: neighbourhood plans. Council function and council delegated on 20 May 2016 to a cabinet member. This needs to be captured in the council function but this operational so should it be record of officer decision.	Express delegations from full Council to officers or members to be recorded in Constitution	3.1.1	New Appendix 1 for specific express delegations.	
32.	I am not clear on the difference between and use of an officer recorded decision (which has a specific template) as opposed to an officer report (which uses the same template as cabinet/cabinet member/council/gsc etc). It would help if the constitution could clarify in which circumstances either would be used.	This is not in the constitution but in the guidance provided to officers. The constitution reflects the statutory requirements and good governance principles.	N/A	No change to constitution	N/A
33.	Identify which budget decision items require named votes	Technical amendment to be made prior to next budget council meeting	N/A	No change to the constitution	N/A
34.	Annual review of constitution	Suggested that this should be bi-annual, constitution refers to	3.15.12 (a)	Inserted actual review function	C