

Appendix 12
Constitution Consultation Responses

	Issue raised by Councillor or Officer	Question No from survey or source	Issue	Theme	Category (Legislation, Misfire, Typos, improvement)	Relevant section of constitution
		3	Cabinet have already decided what they are going to agree in public. if they did'nt they would not last long in cabinet. Cabinet members need to be seen to be more on top of their portfolio.	Cabinet		4.4.1 to 4.1.153
	Officer	Email	No provision for Leader's announcement at cabinet	Cabinet		4.4.23 to 4.4.24
	Councillor	1	the Standards process	Code of conduct		5.2
		1	the publication of outcomes from code of conduct complaints and the function/role of Audit&Gov Ctee in these	Code of conduct		5.2
		1	consistency between members and officers in Code of Conduct/Register of Interests declarations of membership of closed bodies;	Code of conduct		5.2
	Councillor	Email	COUNCILLORS' CODE OF CONDUCT - PROCESS OF DEALING WITH COMPLAINTS.	Code of conduct		5.2
			I have concerns about the following issues:	Code of conduct		5.2
			1. The lack of openness and transparency.	Code of conduct		5.2
			(Everything is decided by one person, with the decisions being made without any reasons given. In nearly all judicial and quasi-judicial decisions, it is a normal requirement for reasons to be articulated.)	Code of conduct		5.2
			2. The lack of process in to how the complaint will be handled allowing decisions to be made without the necessity for proper and even-handed consideration of relevant facts and the Monitoring Officer (MO) having no sole jurisdiction as to what is to how to progress complaints.	Code of conduct		5.2
			3. Possible breach of the Human Rights Act requirement for a "fair trial"	Code of conduct		5.2
			4. Absence of any possible appeals procedure.	Code of conduct		5.2
			5. Certain vagueness as to when issues should be presented to a panel rather than have MO determination.	Code of conduct		5.2
			I also believe that the smaller committees helps to ensure that all members of the committee actively participate	Committee Size		3.1 and 4.1.15
		2	Reassessment of committee sizes;	Committee Size		3.1 and 4.1.15
		2	possibly in the administration anyone else is kept in the dark	Communication		
		3	ther eis a long way to go i hear things in the street before i am told things if ever in chambers feel like a mushroom as an oppsition councillor what is there to hide ?	Communication		
		4	there is little or no accountabilty things go on and we hear nothing not everything is politcal sensative i was voted on the council to represent my ward if im not told things how can i properly do that	Communication		
		5	yes more transparency	Communication		

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		6	we get to do lots of point less surveys and consultations that are NEVER listened too	Communication		
		5	Reports to contain less 'bureaucratic language'.	Communication		
	Officer	Email	Signing limits – the definition introduces pay grade as well as title for head of service. Currently this is interpreted as people who report to me have a signing limit of £100K (as my job title is head of service). Due to my pay grade I am also £100k. My line manager is at £500K. My finance team contact believes that my signing limit is £250K. I think there is confusion between the constitution and actual practice which would be good to resolve.	Contract procedure rules		4.6
		Email	My team regularly procures individual contracts at the same time – it would be useful to clarify whether or not the rules regarding procurement as set out in the constitution require these to be considered as a whole or they can be treated on an individual basis.	Contract procedure rules		4.6
		Email	Rules of debate: making it clear that you can only speak once	Council		4.1.95 to 4.1.98
	Councillor	3	Need proper background information to non key published decisions. At the very least the Officer report	Decision making		
	Officer	Email	Record of officer decisions - definition of lease, licence, permission affecting legal rights. Further definition requirement	Decision making	Misfire	3.7.5
			My colleagues have also been commenting that delegated authority doesn't work - we're unclear about who has authority for what.	Delegated authority		N/A - Directorates Schemes of Delegation
		6	Improvement required in all areas, too many decisions without democratic debate	Delegated authority		3.3.1 to 3.3.15
	Officer	Email	Employee code of conduct is not approved by council or A&G. Could be an exception in the function scheme for A&G	Functions of committees	Misfire	3.5.8 to 3.5.18
	Officer	Email	Leader's report not presented at budget meeting but no reference in constitution.	Functions of committees	Misfire	4.1.14 / 4.4.48
	Officer	Email	Planning code: re-direction provision needs to be clearer	Functions of committees	Misfire	5.6.49
	officer	Email	Health and Wellbeing board - revision of terms of function	Functions of committees		3.5.21 to 3.5.23
			NHS consitution needs to be reflect in constitution with regard to decisions which affect health.	Functions of committees	Misfire	
		Email	Can amendments be made to reports in public meetings.	Functions of committees		4.1.94

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		Email	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	Functions of committees	Misfire	3.5.19 to 2.5.20
		Email	Meeting times	Functions of committees		N/A - discretion of chairman
		Email	Budget and frameworks going only to general scrutiny but should go to relevant scrutiny.	Functions of committees	Misfire	3.3.15
		Email	Identify which budget decision items require named votes	Functions of committees		4.1.44
		Email	3.4.2 (d) - scrutiny functions. Executive functions would only be reported to council. Typo - remove reference to Cabinet	Functions of committees	Typo	3.4.2 (d)
		4	No mechanism to ensure that committees, including Scrutiny, take into account their impact on each other. Eg the waste charge for charities that could impact on Social care work by St Michaels Hospice. This needs some work.	Good decision making		
			For our team in Commissioning (Adults), the most common gripe is the new 'layer' of circulating an extra consultation report to group leaders for dissemination and comment. In reality, it adds an extra two weeks to the timetable and is yet another document to complete. We rarely get comments so it doesn't feel very productive.	Key decisions political group consultation		5.4.65; 5.4.66; 5.4.67
		6	Political group consultations are still a work in progress but they are a welcome change.	Key decisions political group consultation		5.4.65; 5.4.66; 5.4.67
		1	revision of process for political group consultation on Key Decisions	Key decisions political group consultation		5.4.65; 5.4.66; 5.4.67
		2	political group consultation on Key Decisions (see also 1. above);	Key decisions political group consultation		
		3	provision of information to political groups for responses to Key Decisions (see also 1. above).	Key decisions political group consultation		5.4.65; 5.4.66; 5.4.67
		Email	It would be useful to understand the benefits of the group leader consultation which has been inserted into the reporting process. I don't think I have received any feedback (from group leaders) from this new process and wonder whether it is meeting its aim.	Key decisions political group consultation		5.4.65; 5.4.66; 5.4.67
		3	Insufficient meetings of the full council	Meetings	Legislation	4.1.13
	Councillor	5	There should be more frequent meetings of Council.	Meetings		4.1.13

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		5	Council should be more parliamentary with time to debate issues of importance that cabinet have discussed.	Meetings		4.1.14 to 4.1.13
		5	Council should go on longer in order to allow more debate, questions etc.	Meetings		4.1.15 to 4.1.19
		5	More Council meetings	Meetings		4.1.13
		5	Allowance for more than 3 ordinary 'general business' Full Council meetings per annum.	Meetings		4.1.13
	Officer	Email	Postponement of meetings (Chairman can cancel but not postpone)	Meetings	Misfire	4.1.19
		1	consistency in minuting of meetings and role of audio/video casting	Minutes		
		4	Minutes of public meetings: all members' contributions must be attributable for proper accountability	Minutes		
		5	Video casting/streaming of meetings.	Minutes		
		2	revision to process for amendment(s) to Notices of Motion in council debates;	Motions		
		Email	Does the time limit that applies to motion also apply to reports?	Motions		4.1.100
		5	Planning committee - Ward member call ins are decided in pre meeting with relevant committee members and planning officers. Let the ward member also attend and be able to speak.	Planning		5.6
		5	Planning committee - All large applications should come to committee irrespective of number of public responses.	Planning		5.6
	Officer	Email	Planning committee: revise redirection procedures and combine the planning rules with the other planning stuff.	Planning		5.6
	Officer	Email	Planning: officers submitting planning applications - what if not submitting in their own name?	Planning	Misfire	5.6
	Officer	Email	Planning: redirection criteria	Planning	Misfire	5.6.38 to 5.6.41
			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.	Planning	Misfire	5.6
		Email	Planning code: documentation received after publication of papers.	Planning		5.6.24
		Email	Planning code: potentially misleading	Planning		5.6.49
	Councillor	3	When you type 'constitution'; into our web search engine you dont get it. You have to go through another doc and press a link. then yyou get something that looks like an agenda. Theer should be a link stragith through to an introduction in words that sets out the four principles and then invites you to look further.	Presentation	Misfire	N/A - website
	Councillor	1	KISS and communication	Presentation		

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	Councillor	1	it could be clearer	Presentation		
	Councillor	Email	The document should be considerably slimmed down, and more emphasis made of the IMPORTANT issues.	Presentation		
		Email	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.	Presentation		
	Officer	Email	Generally I have difficulty with governance and I have commented before that we really need some kind of flow chart we can follow.	Process		N/A - operational process
			Additionally, mod.gov is a tricky system to use and generates a lot of frustration in our team. In my experience, it isn't intuitive, circulating to officers is difficult to negotiate and often we have to re-circulate more than twice to specific people who provide ongoing feedback. The system really doesn't support additional circulations. Also, I find if I change the details of the date and/or officer writing the report and save them, it still reverts back when I next open the document, putting a line through my amendment via track changes. What actually happens is officers pull the report out of the system and end up working offline, so mod.gov often doesn't reflect the true picture of how much work has gone into the report or how much input there has been from others.	Process		N/A - operational process
		3	not enough early communication from officers	Process		
		4	Agreed Motions to Council are not being acted upon by Officers in a timely manner, sometimes not at all.	Process		
		6	Our welcome to members of the public who come to ask questions still needs improving	Questions		4.1.38 to 4.1.62
		6	Opportunities for members of the public to ask questions at scrutiny appears to have improved and a separate Childrens Scrutiny committee is definitely an improvement.	Questions		
	Councillor	5	The public interaction at cabinet meetings does not provide a meaningful meeting but can descend into a raucous interaction with no governing rules on the public part - which leads to disruption..	Questions	Misfire	4.1.38 to 4.1.62
		5	Leaders of group should submit their groups questions before any meeting.	Questions	Improvement	4.1.63 to 4.1.81
	Councillor	2	got worse. Members are isolated from Plough Lane and not enough time to ask questions at council or to debate about the answer given.	Questions		

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		5	Councillors questions should be open for more debate, not just answered by the cabinet member concerned.	Questions		4.1.63 to 4.1.81
		6	Public questions ahead of all committee and cabinet meetings.	Questions		4.1.38 to 4.1.62
	Councillor	5	At the Council meeting of 13th October 2017 2 questions were asked of the Leader. In the event, these were not considered appropriate for the Leader to answer and it was agreed that they would be referred to the A&GC. It was my understanding as Chair of the A&GC that the questions would be transferred for me to answer in exactly the same way as I would answer any questions put to the A&GC under the constitution. However, in the event, they were transferred as issues for the committee to discuss as an agenda item. I believe that this was an incorrect interpretation of the transfer of questions from one Committee or Council to another. They should be transferred as questions. This can be evidenced by the fact that a) neither question was actually answered when the question was referred as an issue b) the issues had already been discussed by the A&GC and with exactly the same information and members present it would have been perverse if a different outcome were to result c) the arrival of a forced additional agenda item pushed the meeting beyond its allotted time and limited the ability of one of the members to contribute to the meeting (they had to leave	Questions		4.1.38 to 4.1.62
		6	through time pressure) d) if this interpretation were to be allowed, it would set the precedent of allowing future questioners to deliberately ask inappropriate questions in the knowledge that the issue referred to would end up being forced onto a Council/Committee agenda. All things considered, the Constitution should be changed to make it clear that formal questions should be referred on only as questions from one council/committee to another, not as agenda items, unless otherwise agreed by a committee under a work programme agenda item.	Questions		4.1.38 to 4.1.62
	Councillor	2	Limit to time for comment/questions - to increase participation and speed debate.	Questions		4.1.38 to 4.1.62
		2	Cabinet questions need to be clarified	Questions		4.1.63 to 4.1.81
		1	revision of process for public and councillor written questions	Questions		4.1.38 to 4.1.81
		2	written member questions to public meetings (see also 1. above)	Questions		
		Email	QUESTIONS BY MEMBERS OF THE PUBLIC	Questions		

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			I feel that it is impossible for group leaders and opposition members to carry out their democratic role, and in order to address this, group leaders should be allowed to attend and participate in all meetings and in particular Cabinet. They should be allowed to ask a minimum of one question on EACH agenda item, because in my view the current situation is totally undemocratic.	Questions		4.1.63 to 4.1.81
	Councillor	2	Member need to understand the role of Group Leader in questioning decisions.	Role of group leaders		4.4.11
		2	clarification of role of Group Leaders at Cabinet;	Role of group leaders		4.4.11
		Verbal	The role of scrutiny chairs at cabinet needs to be clarified	Role of scrutiny chairs		4.4.11
	Councillor	2	Members of scrutiny committees engaged in call-in should not be allowed to cross the floor and re-join the committee during the debate	Scrutiny	Improvement	
		6	Scrutiny appears to be working well	Scrutiny		
	Councillor	5	I believe that the budget for Childrens Directorate and Adult Directorate should be considered by those Scrutiny committees and not by General Scrutiny. The budgets of the two above Directorates are far larger than that covered by General Scrutiny.	Scrutiny	Misfire	
		2	revision of Budget scrutiny arrangements	Scrutiny		3.4.5
		3	The scrutiny function - including resource constraints and non-attendance (and/or evidence of indifference) by executive. See also recent DCLG report; closure of the 'feedback loop' on public consultations;	Scrutiny		3.4
		5	Compulsory training for Chair roles. Training offered to committee members on constructive questioning, and debate.	Training		
		5	Training offered to committee members on constructive questioning, and debate.	Training		
		5	The long thin boxes above are frightful for writing in so I haven't been able to make corrections to typos			
		4	am unclear as to where accountability has been made 'real' and what this might mean in any meaningful way			
	Councillor	6	SIMPLER AND MORE TRANSPARENT			
		6	Reports improved. Officer presentations can be excellent.			
	Councillor	2	Poor attendance, needs addressing			
		3	Needs more debate prior to Cabinet member decisions!			
		4	Needs greater general member involvement			
		3	There is more information available			
		4	Still too much power in too few people			
		5	Opposition groups need to have an outlet to play 'politics'			

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		6	Compared with some other authorities, Hfds works reasonably well. The system will never be perfect.			
		6	Other aspects			
			I would welcome this issue coming back for debate following analysis as to the numbers, venues, time, etc.			
	Councillor	Email	Truthfully I cannot see that it is any major improvement on the one it replaced. From my observation all it seems to have done is give one particular political group a greater chance to nit pick on process. The opportunity for members to ask questions at cabinet I have not seen used at the meetings I have attended – councillors have plenty of chances to ask questions of cabinet members/ officers outside meetings – and usually get a better and more comprehensive reply if they do that. The opportunity for members of the public to ask questions at Cabinet seem to give what I generically describe as the ‘usual suspects’ 2 bites at the same cherry – many of the questions seem very similar to those asked at full council – and get similar replies!The amalgamation of Planning and regulatory I felt at the time was unnecessary but I can’t comment on how this is working as I rarely have to attend Planning cttee.. hope this is useful.			
		Email	Does a report need to be proposed and seconded?			
		Email	Budget virements: use of virements.			4.7.135
		Email	Personal explanation - need to make clear			4.1.128