

APPENDIX D

Points Raised by Constitution Working Party (Page numbers refer to version 7.9 of the constitution)	Comments as necessary
Executive Summary – Page 5 – Delete second paragraph	
Article 1 – Constitution – General point on whole section regarding procedure rules and standing orders. Consider using ‘blue links’ to relevant items, thus removing large part of document for print. (page 5)	
Interpretation and Review of the Constitution – First paragraph, remove word ‘closest’ with ‘best achieved’. Delete whole of second paragraph (with reference to masculine and the feminine gender (page 6)	
Article 2 – Members of the Council – Eligibility – consider expanding those eligible and provide a ‘blue link’ to any restrictions (page 8)	
Transitional Arrangements – Create separate paragraph explaining the position with regard to the Chairman of the Council (page 8)	
Roles and Functions of all councillors – Review and clarify the role as a ward member and that of an Isle of Wight councillor (page 8)	Significant redrafting of the roles to reduce duplication and to provide greater clarity.
Key Role (ii) – Replace word ‘area’ with ‘Isle of Wight’ (page 8)	
Key Role (v) – Remove whole paragraph due to similarity to Key Role (i) (page 8)	
Members Job Profiles – Paragraph 3 – Declare interests in accordance with Code of Conduct (page 10)	
Paragraph 10 – Provide ‘Blue Link’ agreed protocols on page 226 (page 11)	
Entitlements – Final paragraph on page – refer to ‘formally members of the IW Council’ (page 11)	
Entitlement – Remove Paragraph 1 – ‘The chairman of the council will be known as the Chairman of the Council’ (page 15)	
The Leader and Executive Members – Duties no 1 – replace the words ‘following consultation with the Scrutiny Committee’ with ‘following consultation as appropriate’ (page 16)	

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Duties No 5 – Consider including Audit Committee / Childrens Scrutiny Committee (or all Scrutiny Committees) (page 16)	Changed in relation to “scrutiny committees/sub committees” only.
Duties (x) - Remove word ‘key’ (page 17)	
Role of the Scrutiny Committee’s Duties no 3 – Remove word “developing” and just use “challenging” (page 18)	
Article 3 – Citizens of the Council – Change words ‘referendum for an elected mayor’ to ‘Mayoral Referendum’ (page 24)	
Article 4 – The Full Council – Policy Framework to be listed alphabetically (page 26)	
(b) Budget. The budget is defined as – (ii) Change term ‘Managing Director’ to ‘Chief Executive’ (page 27)	
Functions of the Full Council (f) – Remove appointment of Vice Chair (page 27)	
Functions of the Full Council (o) – refer to ‘questions of matters relevant to the council’s functions and to bring forward motions for debate’ being around Policy and Budget (page 28)	
Council meetings – Consider use of term Council shall (page 28)	
General Change - Article 6 to be Scrutiny Function and Article 5 to become The Executive	
Article 5 - Scrutiny Function – Terms of Reference to be put in standard format (page 30)	
Article 5 – Scrutiny Function – Quorum for Scrutiny Committee and Childrens Scrutiny Committee should be the same (either three or four) (page 33)	
Article 5 – Scrutiny Function – Enshrine that Scrutiny Committee always meets two days before the Executive meet (page 33)	
Article 8 - Planning Committee, Licensing Committee and Appeals Committee (The Regulatory Committees). Regarding Licencing remove (statutory) and Licensing (non-statutory) and refer to committee as just Licencing – (Page 39)	

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Paragraph 1 – delete the word ‘statutory’. Delete word including and replace with ‘under’ (Page 39)	
Remove paragraph 2 and consolidate with paragraph 1 to remove reference to Licensing (non-statutory) Committee and a Appeals Committee under section 101 of the Local Government Act 1972 (Page 39)	
Paragraph 6 – Bullet Point three – amend to read ‘Head of Place’ (Page 41)	
Page 42 – Quorum of Planning Committee. Change from 6 to 4. Remove words ‘(Statutory) Licensing (non-statutory)’. Change quorum of Committee and Appeals Committees from 5 to 4 (page 42)	
Article 9 – Employment Committee. Paragraph 1.6. Revise to state that the Committee will meet Bi-Annually (page 43)	
Article 12 - Isle of Wight Pension Board Committee. Paragraph 4 – Delete second sentence (page 50)	
Article 13 - Isle of Wight Health and Wellbeing Board. Members were of the opinion that the Article was not in keeping with the constitution and was viewed as being put together in an erratic and unwieldy manner. Many aspects were discussed and it was agreed that the whole article needed reviewing and updating.	The review of this article is programmed for June/July 2017
Article 14 – Officers. Paragraph 2c. Proper Officer. Amend to say ‘The proper officer is an officer appointed for that specific purpose by the Isle of Wight Council (page 62)	
Consider listing all statutory officers as opposed to just those appointed by Full Council.	A list will be provided by a link.
ARTICLE 15 – DECISION MAKING: Pg 15 (b): Change “nothing irrelevant is considered” to “nothing irrelevant is taken into account”	
DELEGATION OF FUNCTIONS Pg 71 (1) - Add the text “as set out in Article 4” after the text “...which decides the council’s overall policies...”	

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Pg 72 (4) - Add the text “of which there can be up to nine” after the text “...the Executive can determine executive functions...”	
<p>PROCEDURE RULE No. 4 - TIME AND PLACE OF MEETINGS</p> <p>Pg 85 – Paragraph 1 – It was agreed the paragraph would be reworded to state (new text italics): The time and place of meetings will be determined at the Annual Meeting of council and notified in the summons for the meeting by the proper officer.</p>	
<p>PROCEDURE RULE No. 8 - QUESTIONS BY MEMBERS OF THE PUBLIC</p> <p>Pg 87 (9) Supplemental Question: The italicised text be added so the text states “The chairman may reject a supplementary question on any of the grounds in Procedure Rule 8 (5) above”</p>	
<p>PROCEDURE RULE No. 9 - QUESTIONS BY MEMBERS</p> <p>Pg 88 (1) General: “member may ask questions of the members of the executive” be extended to include “and the Police and Crime Panel representative”.</p>	
<p>PROCEDURE RULE No. 9 - QUESTIONS BY MEMBERS</p> <p>Pg 89 (7) Oral Questions, Paragraph 1: Members were to be limited to three oral questions to each member of the executive.</p>	
<p>PROCEDURE RULE No. 9 - QUESTIONS BY MEMBERS</p> <p>Pg 90 (12) Questions on Police Functions: It was requested Chris Mathews look into why 5 clear days’ notice of questions was required by the Police and Crime Panel Member.</p>	Reference to 5 days removed.
<p>PROCEDURE RULE No. 10 - MOTIONS ON NOTICE</p> <p>Pg 90 (4) “.. the province of the Scrutiny Committee” to be changed to “the province of the Executive or any other committee” and “...be referred without discussion to the Scrutiny Committee...” be changed to “...be referred without discussion to the Executive or other committee...”</p>	
<p>PROCEDURE RULE No. 14 - RULES OF DEBATE</p> <p>Pg 92 (2) “or relates to a procedure rule” will be added after.” motion has already been given” and “may” is to be changed to “will”.</p>	

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<p>PROCEDURE RULE 16 – PREVIOUS DECISIONS AND MOTIONS</p> <p>Pg 96: 1 & 2 Members questioned if the requirement for 12 member’s signatures was correct and if the standard was one quarter of all members and therefore 10.</p>	
<p>PROCEDURE RULE 17 – VOTING:</p> <p>Pg 97: 3 – Named voting procedure</p> <p>In practice all members raise their hands at the same time and the monitoring officer calls out their names for the record. Members requested the constitution be updated to reflect this.</p>	
<p>PROCEDURE RULE 22 – SPEAKING AT MEETINGS:</p> <p>Pg 98: 1 – MEMBER CONDUCT</p> <p>Change “they will remain seated” to “they may remain seated”. Members also requested Mr. Mathews speak to the Chairman regarding allowing this with immediate effect.</p>	
<p>PROCEDURE RULE 24 – SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES:</p> <p>Pg 99: 1</p> <p>Members requested a precis of the rule, including what the exceptions were as there appeared to be a conflict if a quorate meeting was unable to suspend procedure rules due to being less than one half of the whole council.</p>	
<p>PROCEDURE RULE 26 – DURATION OF MEETINGS</p> <p>Pg 100:</p> <p>Remove “half of the members in attendance vote by a simple majority”.</p>	
<p>PROCEDURE RULES FOR THE REGULATION OF PROCEEDINGS - EXECUTIVE, COMMITTEES AND SUB COMMITTEES PANELS, AND WORKING GROUPS (EXCEPT PROCEDURE RULES 3, 7 AND 8 DO NOT APPLY TO PANELS AND WORKING GROUPS)</p> <p>Merge committee rules into council rules</p>	

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<p>PLANNING, LICENSING AND APPEALS COMMITTEE RULES:</p> <p>Pg 129 – Members agreed to recommendation (i) that a mandatory training programme for all members be introduced and that member’s not undertaking training within a reasonable period should not be able to exercise their “call in” right.</p> <p>The CWG also felt that ALL call-in’s by members who had undertaken mandatory training should be taken forward to committee and would make this recommendation to the committee as a quid pro quo.</p>	<p>Part of this (requirement of training) is now in Article 8 under membership, the rest is all dealt with under the planning procedure rules not the constitution. This is being picked up as part of a review by the planning committee of those procedures.</p>
<p>PLANNING, LICENSING AND APPEALS COMMITTEE RULES:</p> <p>Pg 129 – Members agreed to recommendation (ii) to make an amendment to enable council applications of a minor nature, where there are no objections, to be processed under delegated powers provided they are subject to scrutiny by the Monitoring Officer prior to the decision being issued subject to amending Monitoring Officer to Chair of Scrutiny in consultation with the Monitoring Officer</p>	<p>As above</p>
<p>PROCEDURE RULE No.24</p> <p>SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES</p> <p>Pg 99 – It was agreed that “..at least one half of the whole number of members of the council are present...” be changed to “the majority of members of the council that are present”.</p>	
<p>PROCEDURE RULE No. 26</p> <p>DURATION OF MEETINGS</p> <p>Pg 100 – It was agreed “advertised start time unless half of the members in attendance vote by a simple majority to extend the meeting...” be changed to “advertised start time vote by a simple vote to extend the meeting”.</p>	

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<p>THE COUNCIL'S DECISION MAKING PROCESS</p> <p>Member level decisions</p> <p>Pg 176, P1 – It was agreed “This is produced monthly... be replaced with “This is produced as and when necessary ... “</p>	
<p>THE COUNCIL'S DECISION MAKING PROCESS</p> <p>Member level decisions</p> <p>Pg 176, P5 – It was agreed “The decisions of Full Council and regulatory decisions are effective immediately and can be implemented by the relevant chief officers straightaway unless the law otherwise prescribes” .. be replaced with “The decisions of Full Council and regulatory decisions are not subject to call in (see below) and can be implemented by the relevant chief officers straightaway unless the law otherwise prescribes ... “</p>	<p>This has been achieved – the difference in wording is to accommodate the statutory need.</p>
<p>THE COUNCIL'S DECISION MAKING PROCESS</p> <p>The forward plan</p> <p>Pg 176, P7 – It was agreed “Working” added before all instances of “days”.</p>	
<p>THE COUNCIL'S DECISION MAKING PROCESS</p> <p>Items requiring a decision that have not appeared on the forward plan.</p> <p>Pg 177, P2 – It was agreed to change “chairman of Scrutiny Committee (or in their absence the vice chairman or if both absent the chairman of the council” in reflection of the legal requirements to “chairman of Scrutiny Committee (or on their absence the chairman of the council or if both absent the vice chairman of the council”</p>	
<p>THE COUNCIL'S DECISION MAKING PROCESS</p> <p>The call in procedure</p> <p>Pg 178, Change all instances of “Scrutiny Committee or Children’s Committee” to “relevant scrutiny committee”</p>	

Other matters considered by the Working Group at the request of the Planning Committee:

Request (i)

“A mandatory training programme for all members should be introduced and that members not undertaking training within a reasonable period should not be able to exercise their “call in” right. Consideration should be given to the benefit of using an external provider and the training programme should include not only initial training for all councillors but a planned and managed programme of further training on planning issues through the life of the council cycle, with mandatory attendance for planning committee members. This could include parish councils where the training is likely to be of interest or there is sufficient capacity. Training should include the legal challenge risks and potential costs in unguarded comments are made at committee and for not declaring all conflicts of interest fully and consistently”.

The Working Group supported the recommendation that a mandatory training programme for all members be introduced and that member’s not undertaking training within a reasonable period should not be able to exercise their “call in” right.

However, the Working Group also felt that ALL call-in’s by members who had undertaken mandatory training should be taken forward to committee and recommended this condition be included should a mandatory training programme be introduced.

Request (ii)

*“The planning committee recommended that Full Council consider a **constitutional amendment** to enable council applications of a minor nature, where there are no objections to be processed under delegated powers provided they are subject to scrutiny by the Monitoring Officer prior to the decision being issued”.*

Members supported the recommendation but proposed an amendment, changing responsibility from the Monitoring Officer to “Chair of Scrutiny in consultation with the Monitoring Officer”.

Request (iii)

*“The planning committee recommended to the **Constitutional Change Committee** that planning committee members, when wishing to speak as local member on an application, step aside from their role as committee member for the duration of that application giving them equal standing to all other ward members in respect of speaking time and a ward member may speak on any application in their ward. If a member of the committee chooses to speak on an application in their ward another member may be appointed to deputise on the committee for that application and vote provided they have undertaken a site visit were appropriate and training”.*

The Working Group rejected the recommendation.

NOTE – AS THE ABOVE ALL RELATE TO MATTERS IN THE “CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS” IT IS FOR THE PLANNING COMMITTEE TO DETERMINE WHAT CHANGES SHOULD BE MADE.