

Constitution Review Group  
4 November 2019

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the CONSTITUTION REVIEW GROUP held on Monday 4 November 2019 at 7.00 pm in the Chestnut Board Room, Campus East, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors T.Kingsbury (Chairman)  
F.Thomson (Vice-Chairman)  
J.Caliskan, M.Cowan, G.Hayes, K.Thorpe and S.Wrenn

OFFICIALS Corporate Director (Public Protection, Planning & Governance) (N.Long)  
PRESENT: Corporate Director (Resources, Environment and Cultural Services) (K.Ng)  
Head of Law and Administration (M.Martinus)  
Governance Services Manager (G.Seal)  
Principal Governance Officer (A.Marston)

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14. MINUTES

A slight amendment was made to a paragraph under section 11 of the minutes of the meeting from 16 October 2019 for clarification. The minutes were then approved as a correct record of the meeting.

15. COUNCIL PROCEDURE RULES

Following previous conversations around the dangers of setting an actual figure to define "significant financial implication", wording was sought that would allow for a motion to be on the agenda for council and for discussion (and a vote) to take place. After debate, the following wording was proposed by the Director (Resources, Environment and Cultural Services).

**17. MOTIONS WITH FINANCIAL IMPLICATIONS**

17.1 Any motion (or amendments to it in the course of debate) which, if carried, would have the effect of exceeding the approved Council Budget for the year in question, shall be dealt with in the following way:

- The motion will still be included on the agenda for the meeting
- The motion (or amendment to it), if carried, shall be referred to a relevant Committee of Cross Party Group to enable the financial implications to be considered. The relevant Committee or Cross Party Group will then consider the motion and report back to a future ordinary meeting of the Council.

17.2 These rules will not apply where the motion directly results from a recommendation or report of the Cabinet, a Committee, or of an Officer which is already before the Council meeting for consideration and contains advice from the Chief Financial Officer.]

The Group was in agreement with these changes.

## 16. REVIEW OF SCRUTINY PROCEDURE RULES

Ian Parry from the Centre for Public Scrutiny (CfPS) talked through his draft report which was circulated to group members. He explained that this is the starting gate, an indication of ideas the council should be looking at. The suggestion is to look at function of scrutiny before the form it needs to take. Behaviours, relationships, communication and the way information is utilised: select what to scrutinise and what gets prioritised.

From observing and reviewing the council's current scrutiny process, three things stand out as being different about scrutiny here:

1. The process is driven by KPIs which is not really an area where scrutiny can add value
2. The committees do not perform much strategic scrutiny or pre-decision scrutiny
3. "Doing a scrutiny" seems to happen at task and finish groups. Rebalancing needs to be done.

Cross-party policy shaping is good but tends to happen at Cabinet Parking and Planning Panel and Cabinet Housing Panel(Executive panels) which, while public meetings, are not scrutiny.

The four fundamentals of scrutiny are:

1. Providing a 'critical friend' challenge
2. Reflecting the voice and concerns of the public
3. Taking the lead and owning the scrutiny process
4. Making an impact on the delivery of public services

There currently seems to be a misalignment of understanding between officers and scrutiny; with the work managed by officers with what is available when, rather than things that scrutiny committee want to be scrutinising.

It was noted that some councils are bringing in co-opted advisors, either meeting by meeting or on a semi-permanent basis. They provide key witness to scrutiny committees.

The Group agreed that the next step was for a workshop facilitated by CfPS and open to all members to be arranged as soon as the timetable allows.

## 17. WELWYN GARDEN CITY ESTATE MANAGEMENT PANEL

The suggestion was made that the terms of reference for the Estate Management Appeals Panel were widened to include changes to EMS policy.

There is currently nowhere within the Constitution that states where EMS policy is set however the terms of reference for EOSC talks about it having some remit around planning policy. While EMS is separate from planning this could be a logical place for relevant policy to be discussed, although matters relating to estate management are an Executive function.

It was also noted that the Constitution currently states the membership of EMAP needs to be politically proportional but what if all the members in those wards were all one party? Proportionality would then not be possible.

Officers were asked to come up with some further proposals for a future meeting of the Group.

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18. SOCIAL MEDIA PROTOCOL

A draft social media protocol which was circulated to the Group with the agenda.

Discussion took place around the wording of some areas of the protocol and amendments were proposed. The council's communications team will also be consulted on the protocol.

If approved by this Group, the protocol would then be submitted to the Council's Standards Committee for comment before being submitted to Council for approval.

Training on this would be arranged once approved by members.

This item will be brought back to a future meeting of the Constitution Review Group should there be substantive amendments.

19. DATES OF MEETINGS

The planned future meetings of the group are as follows:

<del>Tuesday 10 December 2019</del>	Outward Facing Functions – Public Engagement Contract Procedure Rules
<b>New date to be sought and communicated to Group</b>	

Thursday 20 February 2020 -	Financial Procedure Rules
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Meeting ended at 9.00 pm  
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