

# Council



Report of Head of Legal and Democratic Services and Monitoring Officer

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To: COUNCIL

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## Review of the council's constitution

### Recommendations

That Council:

1. notes the considerable work done by the Joint Constitution Review Group in bringing a revised constitution for consideration by Council;
2. notes that, for completeness, the entire constitution has been brought before Council for consideration, but that some sections have already been approved by Council; areas of substantive change are listed within the report, under key changes;
3. notes the ongoing overall approach of the review group to develop a single constitution with Vale of White Horse District Council with separate sections where necessary;
4. notes the overall approach to streamline the constitution, avoiding unhelpful repetition and confusion;
5. notes the overall approach to make sections self-contained, especially those relating to specific committees;
6. notes the more consistent approach given to the general governance of meetings, including: quorum, time limits and public speaking; the rules aim to promote robust democracy and effective running of council meetings;
7. approves the constitution attached as appendix one to this report for implementation on 1 March 2017 (except for the section on the community grants panel, which is for implementation on 16 December 2016);
8. authorises the Head of Legal and Democratic Services to update the constitution to reflect any changes in staff responsibilities;
9. authorises the Head of Legal and Democratic Services to make any minor or consequential amendments to the constitution for consistency and to reflect the councils' style guide.

## Purpose of Report

1. To consider the proposed revised constitution, which is now a single constitution with Vale of White Horse District Council (with variances where necessary).

## Strategic Objectives

2. The constitution underpins all of the council's areas of activities and, therefore, contributes to the achievement of all its strategic objectives.

## Background

3. A full constitution review has been undertaken in pursuance of the requirements of Section 37 of the Local Government Act 2000 to keep the constitution under review. The purpose of this review is to make the constitution shorter by removing duplication, more user-friendly and accessible, bring it up to date and to achieve, as far as possible, a single constitution for this council and Vale of White Horse District Council for the benefit of users who operate in or with both councils.
4. Where there are no political issues or essential differences, there will be a single constitution at both councils. Differences will be found under "mirror" sections. This will enable both councils to retain their own political priorities and local flavours whilst improving the user-friendliness of the documents. The approach will affect the order and structure of both constitutions and will be in a new format. Sections on committees will become self-contained, a particular benefit to councillors, officers and public users. Several time-critical items were brought to Council earlier in the year, but the full constitution is now before Council for approval. Further revisions will be brought to Council as required in the future and there will be an annual review.
5. The Joint Constitution Review Group has met regularly to consider issues. This group comprised councillors Toby Newman, David Turner and Ian White, plus Yvonne Constance, Stuart Davenport and Debby Hallett, Vale of White Horse district councillors. Officers from legal and democratic services have supported and advised the group. Additional councillors (e.g. chairmen and Cabinet members) together with specialist officers, attended the group as required. Items within this report have been agreed by the Review Group and group members have also consulted within their own political groups.
6. At its meeting in December 2015, Council approved revised scrutiny call-in arrangements and revised Officer Employment Procedure Rules which came into effect on 1 January 2016. At its meeting in July 2016, Council approved revised contract procedure rules, scheme of delegation, planning code of good practice and petition scheme which came into effect on 1 August 2016. This version of the constitution includes revisions to, or inclusion of, a summary and explanation of the constitution, the Council and committee procedure rules and the remaining elements of the constitution.

## The key changes in this version are:

### Summary and explanation

7. This section of the constitution will now be 10 pages long and includes some of the matters that were previously contained within the Articles which were 30 pages in length. It summarises the roles and responsibilities of councillors, the Chairman, Leader and statutory officers, rights of members of the public, and explains decision making and confidential/exempt information.

### Procedure rules

8. All committees, Council and Cabinet, will now have a self-contained section which includes the terms of reference, procedure rules and relevant access to information rules. Combining these issues in one section provides a more user friendly document and reduces the need to cross-reference with other sections of the constitution.

### Guillotine

9. All committees (not panels) will now have a time limit of two and a half hours with a maximum half an hour extension, by vote. This is irrespective of the start time of the committee. (The Grants Panel, exceptionally, has two separate two and a half hour blocks of time).

### Public speaking

10. The revised constitution includes provision for members of the public to ask a question, make a statement or present a petition for a period of 15 minutes at Council, Cabinet and committee meetings (the regulatory committees have their own rules). Each question or statement will be restricted to three minutes with no provision for a supplementary question. The deadline for making such a request will be 5.00pm on the day prior to the meeting.

### Substitutes

11. For all committees where substitutes are allowed, a system of preferred substitutes is proposed. In the case of regulatory committees all substitutes must have received training within the past 12 months.

### Council

12. The revised procedure rules are shorter, remove repetition, are more user friendly and include the following main changes:
  - To reflect recent practice, the rules provide for councillors to remain seated whilst speaking at Council meetings
  - Motions will need to be formally moved and seconded before there are any speeches on them (in other words motion moved, motion seconded,

mover speaks, seconder speaks or reserves the right to speak later in the debate).

## **Cabinet**

13. There are no significant changes from the current constitution. However, the Cabinet procedure rules consolidate all matters relating to Cabinet in one place, combining the Articles, access to information rules, and Cabinet procedures.

## **Licensing Matters**

14. In order to streamline as much as possible, general licensing committees and licensing acts committees at both councils have been brought into alignment where legislation permits.
15. We have also produced a generic section on panel hearings, pulling together the common procedures. More details for each type of panel are held separately.

## **General Licensing Committee**

16. There will be no substitute members, to align with Licensing Acts Committee.
17. A councillor shall not participate in the determination of any licensing application in their ward (this does not apply to taxi licensing).

## **Licensing Acts Panels**

18. There will be a twenty minute limit (subject to the chairman's discretion) for applicants (or their agents) and twenty minutes for representors as a group to make their statements.

## **Planning Committee**

19. At its meeting in July 2016, Council approved changes to the scheme of delegation relevant to planning and a revised planning code of good practice both of which came into effect on 1 August 2016. Planning Committee procedure rules have now been produced.

## **Scheme of delegation**

20. The scheme of delegation has been updated to authorise the head of planning to collect and manage Community Infrastructure Levy income.

## **Local code of governance**

21. The local code of governance has been harmonised across both councils. Evidence of compliance with the code of governance has been deleted from the

constitution and will be reported annually to the joint audit and governance committee.

### **Councillor job descriptions**

22. Councillor job descriptions have been deleted from the constitution. The role of councillors is explained in the summary and explanation section of the constitution and the remaining information is more relevant to councillor development than the constitution.

### **Community Grants**

23. In line with the recent Cabinet member decision, the Community Grants Panel will now make recommendations on revenue grants as well as capital grants. To facilitate the next round of grant awards, this section will need to be implemented on 16 December 2016.

### **Implementation and training**

25. It is proposed to implement the new constitution on 1 March 2017 (with the exception of community grants (see paragraph 23 above). This will give enough time to provide training for chairmen, committee members and officers.

### **Financial Implications**

26. The democratic services budget for printing will meet the costs of producing copies of the amended constitution.

### **Legal Implications**

27. Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review.

### **Conclusion**

28. This report sets out proposals to amend the constitution. Officers and the Review Group recommend Council to approve the proposed changes for implementation from 1 March 2017 (with the exception of the community grants section is for implementation on 16 December 2016) and to authorise the head of legal and democratic services to make these changes and any further minor or consequential amendments.

### **Background Papers**

None