

Report of Head of Legal and Democratic Services and Monitoring Officer

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To: COUNCIL

DATE: 18 May 2017

Review of the council's constitution

Recommendations

That Council:

1. agrees to include a three minute restriction on the length of each public question or statement at the Scrutiny, Joint Audit and Governance, General Licensing, Licensing Acts and Joint Staff Committee;
2. agrees that at special meetings questions and statements from members of the public must relate to the item due to be discussed;
3. to amend delegation 1.1 (c)(iii) and 1.6 to the head of planning as set out in paragraphs 8, 9 and 11 of this report;
4. to include the delegation to the relevant head of service in respect of ward councillor budgets in the council's constitution (paragraph 12 of this report);
5. authorises the head of legal and democratic services to update the constitution to reflect any changes in staff responsibilities;
6. 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 proposed amendments to the council's constitution.

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 was undertaken and a revised constitution agreed by Council at its meeting in December 2016 in pursuance of the requirements of Section 37 of the Local Government Act 2000 to keep the constitution under review. This report addresses matters of clarification and consistency and new issues that have arisen since then.

Public speaking

4. At its meeting in December 2016 Council agreed to include 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 (with regulatory committees having their own rules). Council agreed that each question or statement should be restricted to three minutes with no provision for a supplementary question. In drafting the revised constitution this provision was not included in the rules for Scrutiny, Joint Audit and Governance, General Licensing, Licensing Acts and Joint Staff Committee. Officers recommend that this oversight is addressed to provide consistency across the committees. Specific rules for Planning Committee and the committees dealing with grant applications will not be altered.

Public involvement at special committee meetings

5. Under the Council procedure rules there is no provision for members of the public to ask a question or make a statement at a special meeting which does not relate to the item due to be discussed at that meeting. Officers recommend that this provision is extended to all committees to protect the special status of a meeting called for a specific purpose.

Head of planning delegations

Delegation 1.1 (c) (iii)

6. At its meeting in August 2016 Council agreed a delegation (1.1(c)(iii)) refer 'large scale major' applications to the Planning Committee where the officer recommendation is for approval as set out below:
 - The application is recommended for approval and falls into the category of a 'large scale major' application (defined as 200 or more dwellings, or where the site is 2 hectares or more in size).
7. Whilst applications of 200 dwellings or more are relatively few in number, as a rural district the council receives a significantly higher number of applications that exceed the 2 hectare threshold. As a result an increasingly large number of relatively uncontroversial applications are being referred to the Planning Committee. The Joint Constitution Review Group considered examples of planning applications which were referred to committee where the relevant parish had no objection and there was no other reason to refer them to the committee.

8. The Joint Constitution Review Group agreed to support the removal of the reference to a site area threshold noting that any objection from the relevant parish council would result in the referral of the application to committee.
9. The Joint Constitution Review Group also noted that on strategic sites (such as Great Western Park) the council quite regularly receives reserved matters applications for several hundred dwellings that are uncontroversial. The Joint Constitution Review Group supported a proposal to caveat the referral of 200 unit schemes to where they involve an outline or full application (rather than reserved matters where the principle has been agreed) noting that any objection from the relevant parish council would result in the referral of the application to committee.
10. With rising major application caseloads these changes are considered essential to ensure manageable agendas.

Delegation 1.6

11. The wording of this delegation requires updating to reflect the latest legislation. It currently refers to the GPDO 1995 and should refer to 2015 and the wording should refer to notifications rather than applications.

Ward councillor budgets

12. At its meeting on 6 April Cabinet considered a report on a proposal to provide £5,000 for each district councillor to award grants to community projects that benefit their ward. Cabinet agreed to authorise the relevant head of service to award grants up to £5,000 in accordance with the decision of the ward councillor. Council is asked to agree the inclusion of this delegation in the council's constitution.

Financial Implications

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

Legal Implications

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

Conclusion

27. This report sets out proposals to amend the constitution. Officers and the The Joint Constitution Review Group recommend Council to approve the proposed changes for implementation from 22 May 2017.

Background Papers

None