

Recommendations of the Constitution Focus Group

Purpose of Report

1. This report asks the Standards Committee to consider recommendations of the Constitution Focus Group on the following matters:
 - a) Part 3D(3): Scheme of Delegation Specific to Planning
 - b) Part 2, Part 3, Part 9 and Protocol 11 - Changes relating to the Audit Committee
2. The Standards Committee is also asked to note that changes were made to the Constitution by the Monitoring Officer under delegated powers as permitted under Article 15.3 of Part 2 of the Constitution, on the following matters:
 - c) Part 2: The Constitution
 - d) Part 3: Responsibility for Functions
 - e) Part 4: Council Procedure Rules

Background

3. The Standards Committee has responsibility for oversight of the Council's constitution. It has established a cross party working group, known as the Constitution Focus Group, to advise and assist the committee in carrying out this function.
4. The Focus Group met on 6 March and 29 March 2018 to review sections of the constitution as detailed in paragraph 1 and made a series of recommendations. They also received details of updates and corrections to be made under Article 15.3 of Part 2.

Main Considerations

5. The relevant minutes and resolutions of the Focus Group meetings listed in paragraph 4 can be found at Appendix 1.

Summary of proposed changes

(a) Part 3D(3) - Scheme of Delegation Specific to Planning

6. The Government has made clear its desire to ensure that more housing is provided. One of the areas it wishes to see change is in a greater diversification of the market, allowing a larger number of smaller and medium enterprises to successfully obtain land for housebuilding. It perceives that there is a problem that needs to be addressed namely the difficulty that firms of this size have in obtaining planning permission on small sites.

7. To tackle this perceived problem, the Government have introduced legislation that will allow applicants to submit applications for 'Permission in Principle' for minor housing led- developments of up to 9 houses. This legislation will come into force on 1 June 2018.
8. An application for 'Permission in Principle' differs from a planning application both in the reduced amount of information that is required to accompany the application, and the much shorter length of time that a local planning authority has to determine the application.
9. The current Scheme of Delegation is predicated on the Council having 8 weeks in which to determine planning applications for residential development, and this allows adequate time for consultation to take place with parish and town councils and for a call-in request to be actioned.
10. The new legislation provides a shortened timetable of five weeks for the Council to make a decision on applications for 'Permission in Principle'. This will mean that the current procedures for circulation of new applications and call-in of those applications are insufficient to determine 'Permission in Principle' applications in an appropriate timescale
11. The Focus Group considered that call-in of planning applications was one of the more vital of councillor powers, and did not consider that removing 'Permission in Principle' applications from call-in was appropriate. Instead, it has proposed a shortened time frame for call-in of these applications be put in place in line with the shortened time frame for determination, as well as expedited procedure for notification to local councillors.
12. Proposed amendments to that effect are attached at Appendix 2.

Recommendation

13. **That the Standards Committee recommend to Council approval to changes to Part 3D(3) of the Constitution, as shown in the attached tracked change document at Appendix 2.**

(b) Part 2, Part 3, Part 9 and Protocol 11 – Audit Committee

14. Following discussions on 12 December 2017, the Audit Committee at its meeting on 14 February 2018 approved terms of reference for an Audit Task and Finish Group. The Task Group was to identify best practice in relation to Audit Committee responsibilities, and to recommend changes where appropriate to the Constitution, along with such corrections as necessary to ensure consistent referencing of those responsibilities throughout the Constitution.
15. A report from Task Group was presented to the Focus Group on 29 March 2018, identifying proposed amendments to Part 2 (The Constitution), Part 3 (Responsibility for Functions), Part 9 (Finance and Procurement Regulations) and Protocol 11 (Governance Reporting Arrangements) of the Constitution.

16. The changes clarify the distinct roles of Audit and Overview and Scrutiny, as well as making the various sections consistent and emphasising the key aspects of the functions of the Audit Committee.
17. Following discussion, the proposed amendments were agreed by the Focus Group as shown in the attachment at Appendix 3.

Recommendation:

18. **That the Standards Committee recommend to Council approval to changes to Part 2, Part 3, Part 9 and Protocol 11 of the Constitution, as shown in the attached document at Appendix 3.**

Article 15.3 of Part 2 Changes

19. Under Article 15.3 of Part 2 of the Constitution the Monitoring Officer has the delegated authority to amend the constitution to reflect '*...the decisions of Full Council, changes in the law, to correct errors or clarify ambiguities, where to do so does not alter (but gives further effect to) the executive arrangements or the principles enshrined in the constitution*'.
20. Since the last meeting of the Standards Committee a number of changes to the Constitution have been or will be required under the principles in paragraph 19 above, and are summarised below. All changes were first reviewed by the Constitution Focus Group

(c) Part 2 of the Constitution

21. Amendments were made to correct references to other sections of the Constitution, and to update the list of Chief Officers and the statutory roles following the senior management restructure. It was noted that further amendments may be necessary in relation to the Head of Paid Service and Proper Officer designations, now that the Head of Paid Service is no longer a Corporate Director. This is currently under review.

(d) Part 3 of the Constitution

22. Amendments were made to correct references to other sections of the Constitution, correct references to parish council names (e.g. the dissolution of Roundway Parish Council), correct references to 'Associate Directors', remove duplications, and correct number sequencing in Parts 3B and 3D. It was also confirmed that references to Cabinet Committees would be removed with the cessation of 2 of the 3 former Cabinet Committees.

Safeguarding Implications

23. There are no safeguarding issues arising from this report.

Equalities Impact of the Proposal

24. There are no equalities impacts arising from this report.

Risk assessment

25. There are no significant risks arising from this report

Financial Implications

26. There are no financial implications arising from this report.

Legal Implications

27. The recommendations in this report are consistent with the relevant legislation, and there are no legal implications arising from this report

Public Health Impact of the Proposals

28. There are no public health impacts arising from this report.

Environmental Impact of the Proposals

29. There are no environmental impacts arising from this report.

Proposal

30. **That the Standards Committee recommends Council approve the changes to the Constitution as set out in paragraphs 13 and 18 of this report.**

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Unpublished reports relied upon in the preparation of this report: None

Appendices

Appendix 1 - Minutes of the Constitution Focus Group (6 March and 29 March 2018)

Appendix 2 - Proposed Changes to Part 3D(3)

Appendix 3 - Proposed Changes to Part 2, Part 3, Part 9 and Protocol 11 in relation to the Audit Committee