

Title: **Review of the Constitution of the Council**

Reporting Officers: **Tim Darsley - Monitoring Officer**
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1. At its meeting on 15 December 2005 Council adopted a Constitution produced following substantial review of the pre-existing Constitution that had previously underpinned the transaction of business of the Authority.
2. By Article 9, the Standards Committee is given responsibility for 'monitoring the operation of the Constitution and recommending to Council any changes'
3. At the meeting of the Standards Committee on 19 July 2006 the Committee received a report concerning the process of review and as a consequence adopted a timetable which would conclude in consideration of any proposals by Council at its meeting on the 21 February 2007.
4. The process which was initially proposed suggested the benefit of engaging Members through consultation.
4. Subsequently, a letter was sent to all Councillors on the 17 November 2006, at the request of the Chairman of the Standards Committee, inviting them to identify any aspects of the Constitution that they thought required consideration. The response date set was the 1 December 2006. Only one issue was raised as a consequence of that exercise; this related to the notice period that applied to raising questions to be considered at Council meetings.
5. At its meeting on the 12 December the Standards Committee were informed that as issues had arisen relating to the application and interpretation of the Constitution since it had come into operation, these had been recorded by officers. Additionally, officers had raised a number of issues for consideration. Within these, some issues had been identified relating to the existing Planning decision-making process and to the Call-in and Scrutiny process. All these issues had been drawn together in an Issues Paper. The Committee was also informed of the limited response to the consultation process.
6. In the light of this information, the Committee was asked to determine a more detailed process of consultation with the political groups represented on the Council and with those Councillors who are not members of such a group.
7. The Committee decided that they wished the Leaders of each political group, and the Councillors not within any group, to have the opportunity to consider the matters identified in the Issues Paper and to be able to offer their comments for consideration by the Standards Committee at its meeting on the 1 February 2007.
8. A letter was sent to the Group Leaders and other Councillors, on the 15 December 2006, in which the Chairman of the Standards Committee requested replies by the 8 January 2007.
9. Replies were received from the Leader of the Liberal Democratic Group and additionally from the Chairman of the Council. Those comments are contained and identified in the Issues Paper attached as an Appendix.

10. The Standards Committee also agreed that the issues identified that related to the Scrutiny Committee and the Planning Committee should be referred to each of them for consideration.
11. In anticipation of these decisions the Scrutiny Committee had, at its meeting on the 29 November 2006, established a Task and Finish Group.
12. That Group met on the 18 December 2006. It endorsed the proposed changes and recommended them to the Scrutiny Committee. The Scrutiny Committee met on the 17 January 2007 and resolved to recommend the proposals to the Standards Committee. These responses are also included in the Appendix.
13. The Planning Committee met on the 4 January 2007 and made a number of decisions but wanted to consider some issues further. They re-considered these matters on the 25 January 2007. Although this was two days after the date for dispatch of the agenda for the meeting of the Standards Committee due to be held on the 1 February 2007 the final decisions of the Planning Committee were reported verbally to the Standards Committee.
14. The attached Appendix consequently sets out the various issues together with the responses to the consultation process from both of the two committees consulted, the Political Group Leaders and individual Councillors. These responses are set out in italic text.
15. At its meeting on the 1 February 2007 the Standards Committee considered these issues and made recommendations in respect of each proposal in order that they may now be considered by Council. In the attached Appendix each issue is set out separately so that Members may consider it in the context of any consultation replies received and the recommendation of the Standards Committee.
16. The Standards Committee has endorsed all the proposals and recommends them to Council for approval as changes to the Constitution and has made specific comments in respect of the following matters that require particular consideration:-

Item 7: Area Seminars:

The Standards Committee recommends that Area Seminars have discretion who to appoint as Vice Chairman free from the obligation that the appointee be a District Council member. They also recommend that no allowance should be attached to the position.

Item 17: Questions from Members

The Standards Committee recommends that the notice period be reduced from 10 clear working days to 7 clear working days.

Item 18: Planning decision-making arrangements

The Standards Committee endorses the proposals but recommends Council, prior to a final decision being made, to consult Parish and Town Councils on the aspects relating to the 28 and 14 day notice periods and the provision requesting that a planning reason be given for a referral to the Planning Committee.

If Council consider that consultation should be undertaken prior to making a final decision this could be done immediately and thereby enable Council to

make a final decision on this matter at its next meeting on the 11 April 2007. This would ensure that all aspects of this revision process would be concluded prior to the Local Elections in May and the Annual Council meeting.

Recommendation

17. To consider the Recommendations of the Standards Committee in respect of the separate matters identified in the Appendix and:-

- (a) to determine whether a Vice Chairman of an Area Seminar must be a Member of the District Council
- (b) to agree that the notice period for questions from Members be varied from 10 clear working days to 7 clear working days,
- (c) to agree that Town and Parish Councils be consulted on the proposals concerning decision-making relating to planning applications with regard to the notice periods and the provision requesting that a planning reason be given for a referral to the Planning Committee in order that this matter may be determined by Council at its next meeting.
- (d) to otherwise approve the proposed changes to the Constitution.

2 February 2007