

Wiltshire Council

Full Council

22 May 2018

Proposed Changes to the Constitution

Summary

The Standards Committee has responsibility for oversight of the Council's constitution.

This report sets out proposed changes to sections of Part 2, Part 3, Part 9 and Protocol 11 of the Constitution as recommended by the Standards Committee.

Proposal

It is recommended that:

- a) That Full Council approve changes to Part 3D(3) of the Constitution, as shown in the attached tracked change document at Appendix 2.**
- b) That Full Council approve changes to Part 2, Part 3, Part 9 and Protocol 11 of the Constitution, as shown in the attached document at Appendix 3.**

Reason for Proposal

To ensure the council's constitution is up to date, clear and effective.

Dr Carlton Brand, Corporate Director (Communities, Resources and Digital)

Proposed Changes to the Constitution

Purpose of Report

1. This report asks Full Council to consider proposed changes to the Constitution recommended by the Standards Committee 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

Background

2. 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.
3. 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 on proposed changes. The Standards Committee considered those proposals at its meeting on 18 April 2018, and resolved to recommend Full Council adopt the proposed changes.

Main Considerations

4. The relevant extract of the minutes of the Standards Committee can be found at **Appendix 1**.

Summary of proposed changes

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

5. 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.
6. 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 nine houses. This legislation will come into force on 1 June 2018.
7. 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.

8. The current Scheme of Delegation is predicated on the Council having eight 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.
9. 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.
10. 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 provision 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 procedures for notification to local councillors.
11. The Standards Committee agreed with the proposed changes, subject to a minor amendment to change references from 'House' to 'Dwelling'. Proposed amendments to that effect are attached at **Appendix 2**.

Recommendation

12. **That Full Council approve 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

13. 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.
14. 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.
15. 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.
16. Following discussion and some modification, the proposed amendments were agreed by the Focus Group, and subsequently approved by the Standards Committee as shown in the attachment at **Appendix 3**.

Recommendation:

17. **That Full Council approve changes to Part 2, Part 3, Part 9 and Protocol 11 of the Constitution, as shown in the attached document at Appendix 3.**

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk assessment

20. There are no significant risks arising from this report

Financial Implications

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

Legal Implications

22. 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

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

Environmental Impact of the Proposals

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

Proposal

25. **That Full Council approve the changes to the Constitution as set out in paragraphs 12 and 17 of this report.**

Ian Gibbons, Director of Legal and Democratic Services (and Monitoring Officer)

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

Appendices

Appendix 1 - Extract Minutes of the Standards Committee (18 April 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