

Agenda Item No:	13	
Committee:	Council	
Date:	14 December 2020	
Report Title:	Constitutional Amendments	

1 Purpose / Summary

For Council to consider changes to the constitution as outlined in the report.

2 Key issues

- From time to time, it is required to update the Constitution to reflect changes in legislation, policies and procedures and to ensure the smooth running and operation of the Council.
- This report seeks to update the constitution in relation to notice for motions, the planning scheme of delegation and decision making in relation to external funding.

3 Recommendations

- For Council to agree the constitutional changes as set out in Appendix A and delegate to the Monitoring Officer to update the master copy of the Constitution.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Chris Boden, Leader of the Council
Report Originator(s)	Carol Pilson, Monitoring Officer Amy Brown, Deputy Monitoring Officer
Contact Officer(s)	Carol Pilson, Monitoring Officer Amy Brown, Deputy Monitoring Officer
Background Paper(s)	Constitution

4 Background / introduction

- 4.1 It is important to update the Constitution from time to time to reflect changes to the external environment and to ensure the effective operation of the Council.

Motions on Notice

- 4.2 Currently, if Members wish to place a motion on the agenda, they must give 7 clear days' notice to the Chief Executive, not including the day of delivery or the day of the meeting. However, this deadline does not accord with the statutory deadline for agenda despatch for meetings which is 5 clear working days prior to any meeting. It is suggested that we bring the deadline for motions in line with the deadline for agenda despatch to ensure any motions can be included at the same time the agenda is published e.g. motions on notice will now be required 5 clear working days in advance of a Council meeting.

Planning permission in principle

- 4.3 The existing scheme of delegation makes no provision for dealing with planning permission in principle and associated technical consent applications. As these are restricted to the same scale of development as the 'minor' planning application category, it is proposed that these are dealt with in the same way as 'minor' planning applications. Planning permission in principle is in effect a more basic version of an outline planning application. Once planning permission is granted then a technical consent application follows, and this is akin to a reserve matter application but more detailed.

Letters of support/objection

- 4.4 In addition, it is noted that with regard to one of the triggers for an application being considered by Committee (the number of representations received that are contrary to the officer recommendation on an application) is not consistent between the application types. For Minor and Other applications, the requirement is for the representation to be from the ward or adjacent ward local to the application. There is not the same requirement in relation to Major applications, therefore it is proposed that representations on Major applications should also be from the ward or adjacent ward local to the application in order to trigger committee consideration of the application.

Decision making in relation to external funding

- 4.5 The Council has been very successful in achieving external funding from various sources. When successful with external funding, the Council still has to apply its own governance processes to the acceptance and spending of this external funding. The amounts of external funding the Council is attracting is increasing with significant sums flowing to the Council from external sources, therefore it is timely the Council reviews how these decisions in relation to how external funding is spent is considered to ensure the Council can action any external funding received as quickly as possible for the benefit of the community.
- 4.6 Therefore, it is suggested that for external funding, spending parameters are put in place whereby officers and Cabinet Members have the delegation to action the spending of external funding and entry in to the associated financial and legal agreements.
- 4.7 It is therefore suggested that in the case of external funding Corporate Directors, in consultation with the relevant Portfolio Holder and the Leader of the Council can authorise the spending of external funding up to the value of £100,000, Cabinet Members can authorise the spending of external funding up to £500,000 and any external funding over £500,000 is reserved for Cabinet.

5 Considerations

- 5.1 The changes are suggested to ensure timely decision making and the smooth operation of the Council.

6 Effect on corporate objectives

- 6.1 The Quality Organisation corporate priority sets out how the Council should be well managed and well run and these changes to the Constitution will assist with this aim.

7 Community impact

- 7.1 The constitutional changes will assist in delivering effective and efficient services to the community.

8 Conclusions

- 8.1 Council are requested to consider and agree the constitutional changes at Appendix 1.

Appendix 1 - Suggested Constitutional Changes (shown as track changes)

Part 4, Rule 1 - Council Procedure Rules

Section 10 - Motions on Notice

10.1 Notice

Except for motions which can be moved without notice under Rule 11, notice of every motion signed by the member giving the notice must be delivered in writing or by electronic mail to the Chief Executive by not later than 5 pm at least 57 clear working days before the date of the relevant meeting (that is not counting the day of delivery or the day of the meeting). These will be dated, numbered in the order in which they are received and entered into a book which shall be open to public inspection.

Part 3, Table 4 - Functions delegated to Officers

Development Control

88. Having ensured that all statutory requirements and Council policies have been complied with and after considering all representations received;26 23(i)

(i) Determine all 'other' ~~and~~ 'minor' ~~and~~ 'planning permission in principal (and associated technical consents)' applications submitted under any of the Acts or Statutory Instruments set out in Appendix A to this Scheme unless:-

- Called-in by Member (the development must be within their ward area or adjacent ward area and the Member request has been granted by the Head of Planning in consultation with the Chairman of Planning or substitute27).
- 6 or more unresolved written opinions from 6 or more separate sources are received from within the ward area or adjacent ward area which differ from the officer recommendation.
- Town/Parish views are in conflict with officer recommendation and the application is for more than 2 dwellings.
- The Head of Planning considers that the application merits committee consideration on the grounds of wider planning interests.28

(ii) Determine all 'major' applications submitted under any of the Acts or Statutory Instruments set out in Appendix A to this Scheme unless:-

- FDC or Member involvement
- Called-in by a Member (the development must be within their ward area or adjacent ward area and the Member request has been granted by the Head of Planning in consultation with the Chairman of Planning)³⁰
- 6 or more written views from 6 or more separate sources are received (from the ward or adjacent ward) which conflict with the officer recommendation
- Town/Parish views are in conflict with officer recommendation
- Statutory Consultee views are in conflict with officer recommendation
- The Head of Planning considers that the application merits committee consideration on the grounds of wider planning interests.³¹

Decision making in relation to external funding

New paragraph to be inserted at:

Table 4 and Table 5

To authorise the allocation of external funding awarded to the Council and entry in to the associated financial and legal agreements up to the following limits:

Value	Designation
<u>Up to £100,000</u>	<u>Corporate Directors in consultation with the relevant Portfolio Holder and Leader of the Council.</u>
<u>Between £100,001 and £500,000</u>	<u>Cabinet Member and Leader of the Council</u>
<u>Over £500,001</u>	<u>Cabinet</u>