

To: Council

Date: 24 April 2017

Report of: Monitoring Officer

Title of Report: Constitution Review 2017

Summary and Recommendations

Purpose of report: This report recommends changes to the Council's constitution.

Policy Framework: N/A

Recommendation(s): Council is RECOMMENDED to approve, with immediate effect, the amendments to the Constitution outlined in the report and detailed in appendices 1 to 4.

Appendices

- Appendix 1 – Petitions Scheme
- Appendix 2 – Contract Procedure Rules
- Appendix 3 - Miscellaneous proposed changes
- Appendix 4 – Annex to Whistleblowing Policy

Summary of report

1. The Constitution is reviewed on an annual basis to ensure that it remains fit for purpose.
2. The report proposes changes to the provisions contained in the Council Procedures, the Call-in Procedures and the Code of Practice for dealing with planning applications at Area Planning Committees and the Planning Review Committee. Revised provisions, track changed, are attached as **Appendices 1 and 2**. Miscellaneous changes are also proposed. These changes are shown as tracked changes in **Appendix 3**.
3. The structure chart in section 9 of the Constitution will be updated to reflect the recent changes to the senior management structure.

Petitions Procedures (Appendix 1)

4. Extracts of Sections 1 and 11 of the Constitution Scheme are reproduced, with tracked changes, as Appendix 1. It is recommended that the Petitions Scheme which currently forms an annex to Section 11 of the Constitution is replaced with the scheme in Appendix 1. The proposed changes to the Petitions Scheme are intended to:
 - simplify the process for dealing with petitions made to the Council and to take account of the different ways that petitions are submitted to the Council;
 - prevent misunderstandings when petitions are not properly submitted to the Council;
 - provide clarity around the process;
 - ensure that petitions are dealt with effectively rather than bureaucratically; and
 - retain the trigger for a full Council debate when 1500 signatures have been obtained but include a provision that this must be formally requested.

Contract Procedure Rules (Appendix 2)

5. Section 19 of the Constitution is reproduced, with tracked changes, as Appendix 2. The proposed changes to the Contract Procedure Rules are seek to:
 - reflect current practice; and
 - provide clarity.

Miscellaneous Changes (Appendix 3)

6. Extracts of the Constitution are reproduced, track changed, in Appendix 3 to illustrate other proposals to change several parts of the Constitution.
7. Amendments are proposed to the delegated powers given to the Head of Planning and Regulatory Services that are set out in Section 5 to allow for applications relating to the Council's housing stock to be dealt with more efficiently and to provide clarity. The proposals are set out in Appendix 3.
8. The Constitution does not currently allow for the scrutiny of decisions by the Council in respect of Council owned companies. Proposed amendments are contained in Appendix 3.
9. It is necessary to streamline the decision making process in relation to external funding. Where the Council has been awarded external funds either by way of third party contributions or by way of external grant it seems relatively low risk to commence works in relation to this grant that are in effect fully funded. In fact awaiting a Full Council decision may compromise the conditions of the external funding which is sometimes time limited in terms of it use. The Finance Rules currently preclude the Council commencing work where there is no separate budget identified even though the work in question may be fully funded from external resources. The proposed change to paragraph 18.13 (in Appendix 3) seeks to address this situation.

10. There are no specific rules for the approval of loans to outside bodies or to wholly owned Council companies within the Councils Constitution. The suggested paragraph 18.23 (in Appendix 3) addresses this situation.
11. Extracts of the Constitution and the Code of Practice for dealing with planning applications at Area Planning Committees and the Council's Planning Review Committee are reproduced with tracked changes, in Appendix 3. There are proposals for changes to the way that planning applications are dealt with at Committee. The changes to the Code seek to:
 - provide clarity;
 - allow for adequate briefing of the Chair and members;
 - allow the efficient administration of the meetings;
 - allow the Chair to better manage the meetings, requests for additional time and order of business;
 - regularise the practice for substitutes at Planning Committees since changes should only be made to the membership of a committee in the event of an appointed member being unable to attend and for the whole meeting; and
 - allow speakers to be informed of others speaking so that they are better able to prepare and make best use of their available time or to appoint a spokesperson or agree a statement.

Whistleblowing Policy (appendix 4)

12. A proposed annex to the Whistleblowing Policy is attached as Appendix 4 to the report. The annex is a flowchart which sets out how a whistleblowing concern will be dealt with. The addition of the flowchart is to aid understanding of the policy contained in Section 25 of the Constitution.

Financial and Legal Implications

13. There are no financial or legal implications arising from the recommendations contained in the report.

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Background papers: none

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