

GOVERNANCE COMMITTEE

28 MARCH 2013

REPORT OF THE MONITORING OFFICER

REVIEW OF THE COUNCIL'S CONSTITUTION 2012/13

1.0 PURPOSE OF THE REPORT

- 1.1 The Committee is requested to consider amendments to the Council's Constitution for onward referral to the Council for approval as well as note changes to the Constitution approved by the Council since the last review.

2.0 RECOMMENDATIONS

- 2.1 To agree the proposed actions as set out at Appendix A and listed below in the number order that they appear and refer these to the Council for adoption :-

- A1 New Officer Delegation to Head of Communities & Neighbourhoods
- A2 Change to Deputy Proper Officer Provisions
- A3 Rename Development Committee to Planning Committee
- A4 Deletion of delegated function (3) of Appeals Committee
- A5 Procedure Rule 12.1(p) - Motions without Notice - Correction
- A6 Procedure Rule 13.4 – Timing for Speeches
- A7 Procedure Rule 10.6(e) – Correction
- A8 Revised Contract Procedure Rules
- A9 Role of Leader of the Opposition
- A10 Revised Equalities & Diversity Statement
- A11 Code of Conduct – clarification on paragraph 7(2) by LCC
- A12 Part 5 - Consequential Name Changes and current practical arrangements including updated Code of Conduct, Task Group Protocol, Minutes Procedure, Member Roles and Responsibilities, ICT Protocol for Members

- 2.2 To refer the proposed amendments previously approved by this Committee to the Council for adoption as detailed in paragraph 3.3 of the report and set out at Appendix B :-

- B1 Procedure Rule 22.2 : Public Speaking at the Development Committee
- B2 Consultation Arrangements for Planning Applications

- 2.3 To note that there have been four items approved for inclusion in the Constitution at Council Meetings in this Civic Year which are set out at Appendix C and are summarised as follows :-

- C1 Amendment to the Members' Remuneration Scheme
- C2 Amendment to the Petitions Scheme and removal of the E-Petitions facility

C3 Transfer of Equalities and associated delegations to the Governance Committee

C4 Police and Crime Panel – Overview and Scrutiny Arrangements – to lie with the Community and Social Affairs Committee and associated documents be added to the Constitution

2.4 To agree the Calendar of Meetings for 2013/14 for referral to the Council for approval (Appendix D).

2.5 Due to the Constitution being a living document there may be requirements for changes within the year. Therefore as well as the annual review, items will be referred to the Committee as required.

2.6 Any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments as required by the law. Therefore such legal consequential changes will be put in place immediately and reported to the Committee, and subsequently the Council, as soon as practicable thereafter.

3.0 KEY ISSUES

3.1 Since the last review of the Constitution, items have been collated for the 2012/13 review and these are set out for the Committee's consideration at Appendix A together with a proposed action. Each item being individually numbered from A1 to A12. The associated appendices attributable to the relevant item within Appendix A are also enclosed and are numbered accordingly.

3.2 The Committee is to refer its recommendations for amending the Constitution to the Full Council for adoption.

3.3 There are two items that were previously considered by the Committee at its meeting on 20 November 2012 relating to public speaking at the Development Committee (Appendix B1) and Consultation on Planning Applications (Appendix B2) and these are for noting and referring to the Council for approval. These have been developed following the discussion that took place at the Governance Committee meeting on 20 November 2012 and the essential effect will be as follows :-

- **Extend the notification of 'major' and 'tall' developments to Parish Councils adjacent to the one in which the proposal is located – this is in recognition that developments of this nature can have implications wider than the Parish Council in whose area they are located. 'Major' and 'tall' are defined in order to eliminate ambiguity and dispute**
- **Extend the opportunities for Parish Councils to address the Committee where they have objected under the above provisions – intended to enable them to 'follow through' objections to the decision stage and increase the inclusivity of the process**
- **Provision for Members to ask questions of speakers, for clarification. This has arisen from some vague and misunderstood representations having been presented for which clarification would have been beneficial. It is**

proposed such questions are directed via the Chair and it is intended that they be strictly limited to clarification – not a process to challenge a speaker or open a dialogue.

3.4 The Committee is requested to note that there have been four items already approved for inclusion in the Constitution at Council Meetings this Civic Year which are set out in Appendix C and are summarised as follows :-

- Amendment to the Members' Remuneration Scheme
- Amendment to the Petitions Scheme and removal of the E-Petitions facility
- Transfer of Equalities and associated delegations to the Governance Committee
- Police and Crime Panel – Overview and Scrutiny Arrangements – to lie with the Community and Social Affairs Committee and associated documents be added to the Constitution

3.5 A proposed Calendar of Meetings for 2013-14 is enclosed at Appendix D which includes 5 cycles for all Committees. Dates for the Community Forums in the first quarter, the LCC Highways Forum and the Full County Council meetings have been taken into account in the drafting.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 The Constitution is subject to annual review however due to it being a living document there may be requirements for changes within the year. Therefore as well as the annual review, items will be referred to the Committee as required.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 Any financial and resource implications will be met from existing resources.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments as required by the law. Therefore such legal consequential changes will be put in place immediately and reported to the Committee as soon as possible thereafter.

6.2 Specific legal implications relating to each proposed amendment are taken into account when considering the relevant item.

7.0 COMMUNITY SAFETY

7.1 There are no community safety implications relating to this report.

8.0 EQUALITIES

8.1 There are no specific equalities implications relating to this report.

9.0 RISKS

9.1 Any risk implications relating to each proposed amendment are taken into account when considering the relevant item.

10.0 CLIMATE CHANGE

10.1 It is proposed that the revised Constitution be available electronically to Members and Officers to meet the Council's corporate commitment to the paperlight project.

11.0 CONSULTATION

11.1 With regard to the Calendar of Meetings for 2013/14, the Leicestershire County Council has been consulted to ensure there are no clashes with its full County Council meetings, Highways Forum and Community Forums.

11.2 There has been internal consultation with Management Team on all matters.

12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

Contact Officers : Angela Tebbutt, Monitoring Officer/Sarah Evans, Senior Democracy Officer

Date : March 2012

Appendices :

Appendix A	List of new items for consideration
Appendix A2	Deputy Proper Officer Provisions with tracked changes
Appendix A8	Revised Contract Procedure Rules
Appendix A10	Part 9 – Equality and Diversity Statement
Appendix A12	Part 5 – Codes and Protocols with tracked changes
Appendix B	Items for referral to Council
Appendix B1	Revised Procedure Rule 22.2 agreed at Gov Cttee on 201112
Appendix B2	Consultation Process for Planning Applications agreed at Gov Cttee on 201112
Appendix C	List of Items already approved at Council this Civic Year
Appendix D	Calendar of Meetings 2013/14

Background Papers : Constitution 2012