

GOVERNANCE COMMITTEE

2 APRIL 2014

REPORT OF THE MONITORING OFFICER

CONSTITUTION UPDATE 2013-14

1.0 PURPOSE OF THE REPORT

- 1.1 The Committee is requested to consider constitutional items to be agreed for onward referral to the Council for noting and approval.

2.0 RECOMMENDATIONS

- 2.1 To agree the proposed items as detailed at paragraphs 3.3, 3.4, 3.5, 3.6, 3.7 and 3.8 and refer these to the Council for adoption :-

- (a) following the Policy, Finance & Administration Committee's approval of an operational change to booking arrangements for the Civic Rooms on 23 January 2013, the Committee is requested to note that the consequential changes have been made to item 7 of the Corporate Property Officer's Delegations and a new item numbered 50 to the Head of Central Services' delegations within the Constitution :-

'To approve a concession for the use of the civic suite rooms 1 and 2 in consultation with a member of Corporate Management Team.'

- (b) an additional delegated function to the Appeals Committee to reflect the appeals provision included within the Member Complaints Process as follows :-

'3. To determine any appeals in respect of the Member Complaints Process.'

- (c) the following be added to the Chief Executive's delegations to be in line with the Corporate Compensation Policy :-

'17. Approval to make compensation payments of over £250 with the Section 151 Officer and an agreement from the Legal department.'

- (d) following a recommendation from the Planning Committee on 13 March 2014, the Planning Committee site inspections procedure and associated protocol be changed as indicated in Appendix 2 and Appendix 3 of this report;

- (e) at the Policy, Finance and Administration Committee meeting on 12 February 2014 (Minute P71- Business Rates Retail Relief Scheme) the following was resolved, therefore the Officer Delegations be updated accordingly :-

'Delegated Authority is given to the Head of Central Services in consultation with the Head of Communities and Neighbourhoods to

make any necessary changes to the Retail Relief Scheme, in accordance with further guidance from Central Government, consultation with partners across Leicestershire and to improve the scheme based on experience from delivery of the scheme.'

- (f) further to the Minister for Local Government's request that there be recorded votes of all Members on any decision involving the budget or Council Tax, the Terms of Reference for Full Council at Part 3 of the Constitution be amended at item 2 to read as follows :-

'2. Approving or adopting the policy framework, the budget (by recorded vote of all Members) and any application to the Secretary of State in respect of any housing land transfer.'

And there also be reference in the Procedure Rules at Part 4 that 15.5 become 15.5(a) and a new 15.5(b) read as follows :-

Recorded vote

15.5 (a) *If three Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.*

(b) As directed by the Minister for Local Government in February 2014, there will be a recorded vote of all Members as indicated at 15.5(a), on any decisions related to the budget or Council Tax.

3.0 KEY ISSUES

- 3.1 Since the last review of the Constitution in April 2013 and the follow on items approved at Full Council on 17 July 2013, items are collated for each Committee's consideration. As the Constitution is a living document, such proposed changes will be brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward rather than await an annual review.
- 3.2 The Committee is to refer its recommendations for amending the Constitution to the Full Council for adoption.
- 3.3 At the Policy, Finance and Administration Committee held on 23 January 2013, changes were approved to the booking arrangements for the Civic Suite Rooms. Due to the changes being already approved and in place, the following update has been made to item 7 of the Corporate Property Officer's Delegations and using the same wording a new item numbered 50 has been added to the Head of Central Services Delegations :-

'To approve a concession for the use of the civic suite rooms 1 and 2 in consultation with a member of Corporate Management Team.'

This change to the Officer Delegations will also be reported to the Council.

- 3.4 Following the introduction of the Member Complaints Process, it is recognised that should a complaint reach the hearing stage and a decision of censure be made, the Subject Member has a right of appeal against this decision with the Appeals Committee. Therefore a new delegated function is proposed for this

Committee to deal with such matters. The wording of the new delegated function is proposed to be as follows :-

'3. To determine any appeals in respect of the Member Complaints Process.'

- 3.5 It is proposed that an addition be made to the Chief Executive's delegations to include approval to make compensation payments of over £250 with the Section 151 Officer and an agreement from the Legal Department so that this lines up with the Corporate Compensation Policy. It is proposed that the delegation read as follows :-

'17. Approval to make compensation payments of over £250 with the Section 151 Officer and an agreement from the Legal department.'

- 3.6 At the Planning Committee held on 13 March 2013 it was agreed that a proposed change to the Constitution in respect of Committee site inspections should be recommended to Governance Committee. It is proposed that site inspections should be unaccompanied, with only Members of the Planning Committee and officers present.

See paragraphs 3.5-3.8 of the report to Planning Committee (Appendix 1). The proposed changes to the Constitution (Appendix 2) and associated site inspection protocol (Appendix 3) are indicated on those attachments.

- 3.7 At the Policy, Finance and Administration Committee meeting on 12 February 2014 (Minute P71- Business Rates Retail Relief Scheme) it was resolved that :-

'Delegated Authority is given to the Head of Central Services in consultation with the Head of Communities and Neighbourhoods to make any necessary changes to the Retail Relief Scheme, in accordance with further guidance from Central Government, consultation with partners across Leicestershire and to improve the scheme based on experience from delivery of the scheme.'

This addition to the Officer Delegations will also be reported to the Council.

- 3.8 Further to the Minister for Local Government's request outlined in the Department for Communities and Local Government's letter dated 4 February 2014 at Appendix 4 attached to this report, that there be recorded votes of all Members on any decision involving the budget or Council Tax, it is proposed that the Terms of Reference for Full Council at Part 3 of the Constitution be amended as shown in red at item 2 to read as follows :-

'2. Approving or adopting the policy framework, the budget (by recorded vote of all Members) and any application to the Secretary of State in respect of any housing land transfer.'

And there also be reference in the Procedure Rules at Part 4 that 15.5 become 15.5(a) and a new 15.5(b) read as follows :-

Recorded vote

15.5 (a) *If three Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken*

down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

(b) As directed by the Minister for Local Government in February 2014, there will be a recorded vote of all Members as indicated at 15.5(a), on any decisions related to the budget or Council Tax.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 Due to the Constitution being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore as well as an 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.

7.0 COMMUNITY SAFETY

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

8.0 EQUALITIES

8.1 Equalities Screening Assessments have been drafted on the items within the report and once these have been considered and approved by the Check and Challenge Group, they will be available on the Council's website at this link :- http://www.melton.gov.uk/equalities_and_diversity/equality_impact_assessment.s.aspx

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 The Constitution is available on the Council's website and electronically to Members and Officers to meet the Council's corporate commitment to meet green targets.

11.0 CONSULTATION

11.1 There has been internal consultation with Management Team to ensure the Constitution reflects the Council's current responsibilities and arrangements.

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 2014

Appendices :
1 – Planning Committee report of 13 March 2014
2 – Proposed Changes to the Constitution
3 - Associated Site Inspection Protocol
4 – DCLG letter dated 4 February 2014

Background Papers : Constitution 2013/14