

Full Council: AGENDA ITEM 8(1)

GOVERNANCE COMMITTEE

4 APRIL 2017

REPORT OF MONITORING OFFICER

CONSTITUTION UPDATE 2016 17

1.0 PURPOSE OF REPORT

- 1.1 The Committee is requested to consider constitutional items and those approved will be referred to the Council for adoption and incorporation into the Council's Constitution.
- 1.2 To provide an opportunity for comments on the proposed Calendar of Meetings for 2017 18 before it is finalised for presenting for approval at the Annual Meeting.

2.0 RECOMMENDATIONS

- 2.1 To consider and approve the following and those approved by this Committee, be referred to the Full Council for adoption :-

(a) Planning matters

To consider the matters referred from the last meeting and the Head of Regulatory Services' advice at paragraph 3.3(1) and 3.3(2) and approve the amendments at Appendix A to the Constitution – *subject to an amendment to Appendix A, reflecting that the Chair of the Planning Committee may exercise their discretion in relation to the requirement for Ward Councillors (or replacement Councillors to give at least 24 hours notice before addressing the Planning Committee.*

(b) Minutes Procedure

To approve the Minutes Procedure document and the tracked changes (Appendix B).

- 2.2 To comment on the Calendar of Meetings 2017 18 (Appendix C) before it is finalised for Members' consideration at the Annual Meeting of the Council.

3.0 KEY ISSUES

- 3.1 As the Constitution is a living document, any additions or changes are brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward and the Constitution to be as up to date as possible. The Council's Management Team and T3 (Third Tier Officer Group) are involved in updating their respective areas of the Constitution.
- 3.2 The Committee is to refer its recommendations for amending the Constitution to the Full Council for adoption and inclusion in the Constitution.

3.3 Planning Matters

When the Constitution was reviewed by the Committee at the last meeting on 6 February 2017, Members felt that there were areas relating to planning that needed further consideration. These two matters are set out below together with the view of the Head of Regulatory Services shown in italics :-

- (1) A Member suggested that the two days notice specified in relation to ward members addressing the Planning Committee as detailed in Appendix A of the report was unnecessary and Ward Councillors should be able to do this without giving notice.

'There is no strong need for this advanced deadline and 'the day before the meeting' would suffice. This is just to allow the speakers list to be compiled ready from the Chair's use at the meeting so he can plan time accordingly and invite speakers at the correct stage and in the right order.'

Therefore suggested amendments to Procedure Rule 22.2, which relates to Public Speaking at Planning Committee, are set out at Appendix A in tracked changes and a proposed recommendation at paragraph 2.1(a) is available for the Committee's consideration.

- (2) Members requested that Officers consider the development of a process to assist Parishes and other objectors when the local Ward Councillor had an interest in an application or applications.

'A process has emerged which seems to work well, whereby Parishes etc approach a Member who is not their normal representative but is willing to act as 'surrogate'. Perhaps this could be formalised by seeking volunteers from Members who are not part of the Committee membership in order that when requests are made they can be referred appropriately.'

It be noted that item (2) proposes a new working practice but this would not amend the Constitution.

3.4 Minutes Procedure

Whilst reviewing processes for implementation of the new Committee software, the minutes approval procedure has been suggested as an area for improvement. Currently minutes of the last meeting are presented to the Committee of the next meeting as the final copy and any amendments are listed in the minutes of the next meeting. This is seen as confusing to the public as when minutes are published to the website, it is assumed they are correct and the public have no indication that they would need to look at the next set of minutes for any amendments.

Therefore it is proposed that the minutes of the previous meeting are presented as draft minutes to the next meeting and following any amendments which are actually physically made to that set of minutes, the status is then updated on the website to remove reference to being draft minutes. Any changes proposed by Members at the meeting where the minutes are presented for approval will be explained in the minutes from that meeting. The minutes presented for approval will be signed by the Chair in the usual way however if there are any amendments to be made these will be made to the final copy before the Chair signs the official

record.

Also to assist working with the new software, it is proposed that minute documents are no longer sequentially page-numbered over a Civic year. It is intended that minutes will still be page numbered starting from page 1 for each meeting. This is to help with the agenda production process as well as the facility of making the agenda more user-friendly and it being page numbered as a complete agenda document including the minutes and all of the reports and appendices in one document. This change does not affect minute numbering.

A copy of the proposed Minutes Procedure is attached at Appendix B with tracked changes showing the amendments as outlined above.

3.5 Calendar of Meetings 2017 18

The proposed Calendar of Meetings for 2017 18 is enclosed at Appendix C and there is an opportunity for the Committee to comment on it before it is finalised for presenting for approval at the Annual Meeting.

The Annual Calendar of Meetings is designed each year to ensure the statutory requirements of the Council's decision-making are followed as well as allows for policy and regulatory decisions to be made which contribute to the running of the Council and meeting the public's expectations.

As well as ensuring statutory financial deadlines are able to be met, the timetable has been drafted taking account of bank holidays, school holidays and Full Council meetings of the Leicestershire County Council.

There are five cycles of Committees within the Calendar of Meetings and each one includes all of the policy and regulatory Committees and ends with a Full Council Meeting. In addition there are monthly Town Area Committees, with five allocated as Main Committees.

Apart from the Planning Committee meetings which start at 6 p.m. and the Annual Meeting that starts at 7, all other meetings start at 6.30 p.m. All meetings are scheduled to be held at Parkside.

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 items will be referred to the Committee as required.

4.2 The regular reviews and updates to the Constitution and ensuring it is up to date on its decision-making processes supports the Council's priority for being a 'Well run Council'.

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

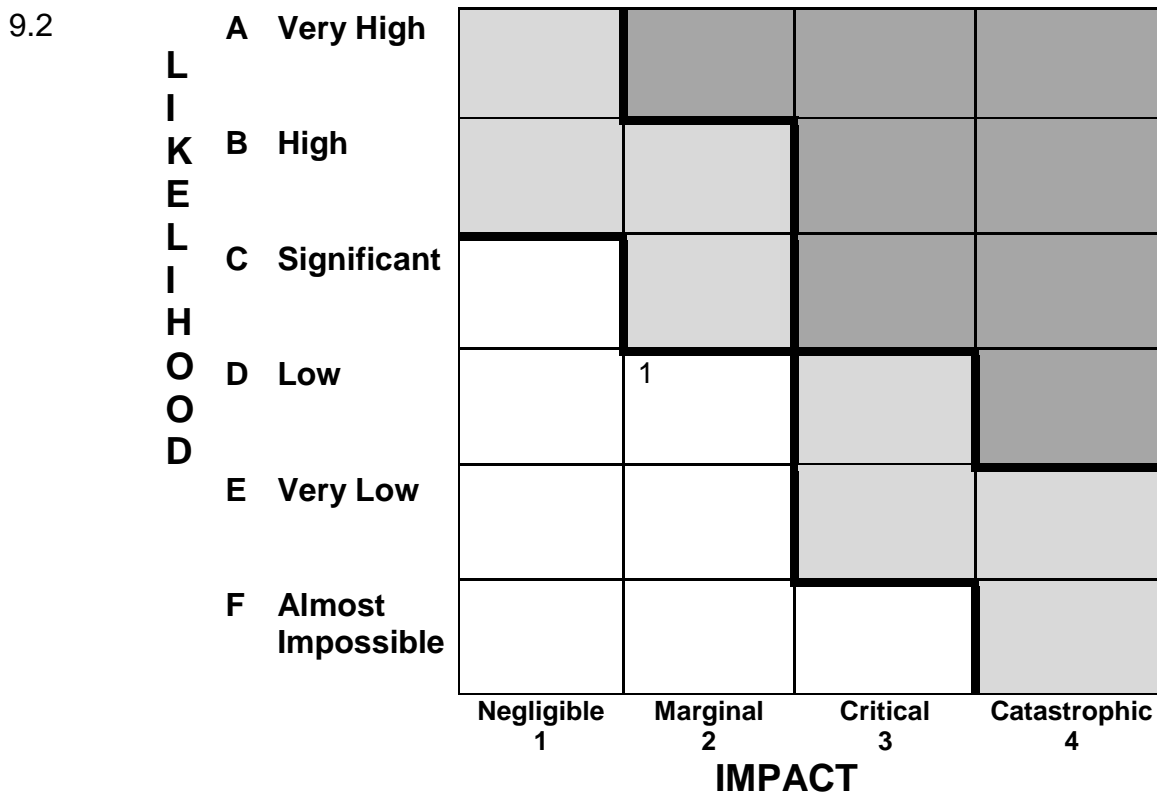
7.1 There are no community safety implications relating to this report.

8.0 EQUALITIES

8.1 An Equalities Screening Assessment has drafted and most items presented relate to the legality of decision-making.

9.0 RISKS

9.1 The risks associated with the report are considered to relate to following legal and constitutional procedures in decision-making.



Risk No	Risk Description
1	Decisions challenged due to appropriate processes not followed.

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 is regular internal consultation with Management Team and T3 to ensure the Constitution reflects the Council’s current responsibilities and arrangements.

11.2 There has been consultation with all Councillors and Management Team on the Calendar of Meetings for 2017 18.

12.0 **WARDS AFFECTED**

12.1 All wards are indirectly affected by this report.

Contact Officer Angela Roberts/Sarah Evans
Date: March 2017

Appendices : Appendix A- Proposed changes to the Constitution
 Appendix B – Minutes Procedure
 Appendix C– Proposed Calendar of Meetings 2017 18

Background Papers: Constitution 2016 17

Reference : X : Committees\Governance\2016 17\040417\Constitution Update 2016 17