

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

POLICY DEVELOPMENT GROUP – 30 SEPTEMBER 2015

Title of report	UPDATE OF THE COUNCIL'S CONSTITUTION
Contacts	<p>Councillor Nick Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk</p> <p>Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p>
Purpose of report	To seek Scrutiny's comments on and recommendation to Council on proposed amendments arising from the Annual Review of the Constitution
Reason for Decision	To comply with the Constitutional update procedure agreed by Council
Council Priorities	It covers all the priorities
Implications:	
Financial/Staff	None.
Link to relevant CAT	
Risk Management	A clear and up to date Constitution will minimise the risk of the Authority failing to comply with statutory requirements and assist in delivering its priorities and objectives.
Equalities Impact Screening	Not applicable.
Human Rights	Not applicable.
Transformational Government	Clear and robust governance arrangements and procedures assist with the effective and efficient delivery of services and proper decision making.

Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Deputy Monitoring Officer	As author of the report, the report is satisfactory.
Consultees	Statutory Officers. Head of Legal and Support Services. Director of Services Head of Finance
Background papers	None
Recommendations	THAT POLICY DEVELOPMENT GROUP NOTE AND COMMENT ON THE SUGGESTED AMENDMENTS TO THE CONSTITUTION AND RECOMMEND THEM TO COUNCIL FOR APPROVAL

1.0 BACKGROUND

1.1 Full Council regularly considers items relating to updates to the Constitution. The updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Authority to reflect best practice. Members may recall that, in response to comments and suggestions made by members at Council, it was agreed that:

- (i) the Constitution underwent one main annual review - around the time of Annual Council;
- (ii) any remaining changes or matters arising after this date would be dealt with by way of one mid year review;
- (iii) further reviews or changes would only be suggested outside this process if legislation or national guidance required it;
- (iv) there was some “scrutiny” of the main annual review report whilst in draft and prior to its publication;
- (v) there would be informal consultation / engagement with members on the mid year and other reviews.

2.0 ROLE OF SCRUTINY

2.1 Where amendments are identified and proposed Policy Development Group are asked to consider the draft Council report and comment on the suggested amendments.

3.0 PROCESS OF REVIEW

- 3.1 As indicated at 1.1 above updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Authority to reflect best practice.
- 3.2 Each year a survey of Officers is undertaken and they are invited to submit proposed amendments for consideration by the Monitoring Officer which arise from legislative changes, organisational changes or for reasons of business efficiency
- 3.3 In parallel with this process the Legal Services Team review any proposed legislation which is likely to require amendments to the constitution.

4.0 DISCUSSION

- 4.1 Members will recall that at the last meeting on 15 July 2015 the Deputy Monitoring Officer advised that the Monitoring Officer was considering whether it would be opportune to undertake a full review of the constitution (structure and content) to ensure that it reflects best practice.
- 4.2 The Deputy Monitoring Officer further advised that a software package had been sourced that would assist in that review and that he hoped to bring a completed re-draft to this committee.
- 4.3 Unfortunately that timescale has proved over optimistic and the full review of the constitution has yet to be completed.
- 4.4 A number of elements have been completed and there are a number of other amendments for which approval is sought which have arisen independently of the review.

5.0 CHANGES TO THE CONSTITUTION ARISING FROM THE REVIEW

Planning Code of Conduct

- 5.1 The current planning code of conduct is based on the Probity in Planning document first issued by the Local Government Association in 1997 with a national code issued in 2007. That code was subsequently amended in 2013 to reflect the changes introduced by the localism Act 2011.
- 5.2 Whilst the District Council's planning Code of Conduct has been amended over the years to reflect changes in guidance and legislation that has occurred on a piece meal basis. The attached revised code has been subject to a comprehensive review which reflects current best practice and previously agreed local standards.
- 5.3 A copy of the proposed Planning Code of Conduct is attached as Appendix 1

Changes to Planning Delegations

- 5.4 The Director of Services has requested that members give consideration to amending a number of existing delegations to improve the efficiency and effectiveness of determining planning applications.

- 5.5 Currently applications for and on behalf of the Council (as a corporate body) for its own development are not referred to Planning Committee unless there is likely to be a major impact or objections have been received.
- 5.6 This is in contrast to applications received from serving Member's and officers and applications from former members, officers and respective co-habiting partners.
- 5.7 The Director of Services suggests that it would be appropriate for such applications to only be referred to Planning Committee where there is likely to be a major impact and or there have been objections to the application.
- 5.8 A suggested form of wording is attached as Appendix 2

Call-in of Planning Applications

- 5.9 The Director of Services has requested that in order to ensure that planning applications are determined within the government time scales; consideration is given to limiting the extent of the call in provisions contained within the constitution. There have recently been a number of occasions where call in has been requested in the public interest and yet there has been little if any engagement from the public in the subject matter of the application.
- 5.10 The Director considers that it would be beneficial if call in's under the weekly list procedure are limited to the Ward member whose ward is affected and that any such call in would need to be supported by both planning grounds and the public interest as opposed to the current position where either ground is sufficient.
- 5.11 A suggested form of wording is attached at Appendix 2.

Financial Procedure Rules

- 5.12 The software package referred to in Paragraph 4.2 above also includes an updated set of Financial Procedure Rules which have been reviewed by the Section 151 Officer (Head of Finance).
- 5.13 A copy of the updated rules are attached as Appendix 3 and the Section 151 officer asks members to consider adopting them.

Delegations Arising from Management Changes

- 5.14 The Chief Executive in her role as Head of Paid Service has identified the need for additional support at Director level and Members will be aware of the decision to appoint an interim Director of Resources for a period of 18 months.
- 5.15 In anticipation of a future appointment to this post (at the time of writing the post is currently out to advertisement) it is considered prudent to amend the Scheme of Delegation, any changes to take effect following ratification by full Council on 10 November.
- 5.16 Proposed amendments to the scheme of delegation are attached as Appendix 4.