

REPORT OF THE CONSTITUTIONAL REVIEW GROUP 2018/19

REPORT OF: Solicitor & Head of Regulatory Services
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Wards Affected: All
Key Decision No
Report to: Council on 30th January 2019

Purpose of Report

1. To report the findings of the Constitutional Review Group 2018/19 to Council for Council to agree the recommendations to take effect from 3rd May 2019.

Summary

2. The report proposes changes to the Scrutiny Committees to provide a more even balance of the workload. The report also proposes changes to the planning delegations to reflect adoption of the District Plan in March 2018. The report also proposes the reduction in the number of Planning Committees to 2 keeping the District Planning Committee meeting every month and a separate Planning Committee for applications below the District "level" meeting on a three weekly basis. The ability for Committee Chairman and Vice Chairman in consultation with the Cabinet member to send a matter up to the District Planning Committee would also apply in reverse. The report also considers financial standing orders and proposes some updating format changes.

Recommendations

3. **To agree that:**
 - 3.1 **The work of the Cabinet Member for Community transfers to the Scrutiny Committee for Customer Services and Service Delivery.**
 - 3.2 **The work of the Cabinet Member for Economic Growth transfers to the Housing and Planning Scrutiny Committee.**
 - 3.3 **The Leader, Finance and Performance Scrutiny Committee retains the scrutiny of the Leader's role which includes working with outside bodies to generate economic development.**
 - 3.4 **Two Planning Committees be established each with a membership of 12 from a planning base of 20 trained planning members as detailed in this report.**
 - 3.5 **The changes at Appendix 1 be agreed in the planning delegations.**
 - 3.6 **The changes to the Financial Standing Orders at Appendix 2 be agreed.**

Background

4. Each year the Constitutional Review Group considers possible changes to the Council's Constitution. This year the Committee has consisted of 6 members as follows:-

Cllr Andrew MacNaughton (Chairman), Cllr Bruce Forbes, Cllr. Ruth de Mierre, Cllr. John Wilkinson, Cllr. Norman Webster and Cllr. Colin Holden.

5. The Committee were provided with evidence that the Scrutiny Committee for Community Housing and Planning had held additional meetings to deal with its large workload. In contrast the Scrutiny Committee for Customer Service and Service Delivery has had lighter agendas. It was therefore felt that the work of the Cabinet Member for Community should transfer to the Scrutiny Committee for Customer Service and Service Delivery.
6. In order to exploit the synergies between economic growth, housing and planning it is suggested that the work of the Deputy Leader and Member for Economic Growth should transfer to the Scrutiny Committee for Housing and Planning.

This would leave the other Scrutiny Committee with the Leader role and Finance and Performance which was its previous role.

7. The Group discussed the role of the Leader in promoting Economic Development and noted that this Scrutiny Committee would still have an economic development function given the Leaders role in countywide and sub regional and outside bodies.

8. The new Scrutiny Committees would be called:

Leader, Finance and Performance

Community, Customer Services and Service Delivery

Housing, Planning and Economic Growth

9. Concern was raised by the Group about the number of short agendas on the Planning Committees A & B over the past two years. It was agreed that the Planning function could be dealt with by combining those two committees into one meeting on a three weekly basis. The District Planning Committee will continue to meet monthly. With the consent of the relevant Chairman and Vice Chairman and in consultation with the Cabinet Member, the work of the two planning committees can be exchanged.

10. Concern had been raised by some members and members of the public about the system of substitutes at Planning Committees which are non-political committees. It was agreed that the Council would be better served by having no substitutes on Planning Committees, Licensing Committees, the Audit Committee and the Standards Committee which were all non-political. In order to guard against having too few members on the planning committees as a result of no substitutes it was agreed that the number on these committees should rise to 12 from a pool of 20 trained councillors. This would mean that some councillors would be on both the District Planning Committee and the other Planning Committee while other councillors would serve on only one of these two committees. It was further agreed that the District Planning Committee should continue meeting at 2.00pm with the other Planning Committee still meeting at 7.00 pm.
11. The District Plan was adopted by Council in March 2018 which means that the old Local Plan no longer has relevance when considering planning applications. At Appendix 1 there are proposed changes to the Constitution to take account of the new District Plan. The significant proposed change is to allow delegation to planning officers for up to 9 additional units as opposed to the net gain of 5 under the current delegations. In accordance with District Plan Policy 6 such developments need to be sustainable and adjacent to an existing settlement to be within the delegation.
12. The Council has financial regulations and contract regulations in its Constitution. The financial regulations have been reviewed and amended and the amended version for adoption from May 2019 is attached at Appendix 2. These amendments are not substantive but the text has been reformatted into the CIPFA Model. All limits to financial powers and responsibilities remain the same.

Policy Context.

13. The Council is required to have a Constitution under the Local Government Act 2000. The Constitution is reviewed annually to ensure it is up to date. Changes in the planning delegations need to be made following the adoption of the District Plan in March 2018.

Other Options Considered.

14. The Council could merely update the Constitution to allow for the adoption of the District Plan. Other changes are proposed following discussion within the Constitutional Review Group and an officer review of the evidence.

Financial Implications.

15. Changing the Constitution for May 2019 has very limited financial implications other than the work of existing staff. Fewer planning committees will produce a small saving.

Risk Management Implications.

16. There are risks of error and unnecessary work if the Constitution is not updated.

Equality and Customer Service Implications.

17. There are none as a result of these changes.

Other Material Implications.

18. The Council should maintain an up to date Constitution. A new Council will be elected in May 2019.

Appendix.

1. Changes to the Planning Delegation.
2. Revised financial procedure rules.

Background Papers. The existing Constitution.