

## 7. REPORT TO COUNCIL OF THE CONSTITUTIONAL REVIEW GROUP 2016

REPORT OF: SOLICITOR TO THE COUNCIL  
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Wards Affected: All  
Key Decision: N/A  
Report to: Council  
20 April 2016

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### Purpose of Report

1. To report to Council the deliberations of the Constitutional Review Working Group on changes to the Council's Constitution for agreement.

### Summary

2. The report proposes a few changes in the Constitution to the Audit Committee and the Planning Committees. It also withdraws the possibilities of substitutes at Standards Committee meetings.

### Recommendations

3. **Cabinet are recommended to agree:**
    - (i) **That the Audit Committee shall be composed of 7 members of the Council excluding any Cabinet Member;**
    - (ii) **Substitutes shall be allowed on any Planning Committee save that those substitutes shall come only from another Planning Committee and shall be notified to Member Services by 5pm on the Monday before the Thursday meeting i.e. three days ahead of the meeting date;**
    - (iii) **Substitutes shall not be allowed on the Standards Committee; and**
    - (iv) **The changes set out in paragraph 4 e) and 4 f) be agreed.**
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### Background

4. The Constitutional Working Group composed of Councillors Marsh, Ash Edwards, de Mierre, Forbes, MacNaughton and Wilkinson with named substitutes of Councillors Margaret Hersey and Holden, met on two occasions. They discussed a range of aspects of the Council's Constitution and reached the following conclusions:-
  - a) That there should be no changes in the Scrutiny Committees;
  - b) That the Audit Committee should be increased in size to 7 with substitutes retained;
  - c) That the Standards Committee should remain as is but not have substitutes from the District Council Members, given there were set Members from the Parish Councils and two known independent persons;

- d) Substitutes to the Planning Committees should be restored but these must be notified by 5 pm on the Monday before a Thursday meeting or otherwise 3 working days ahead of the Planning meeting and come only from another Planning Committee.
- e) The following additional delegations shall be given to Planning officers subject to consultation with at least one Planning Chairman and the relevant Ward members:-
  - i) the Planning officer to be able to agree to minor alterations to an existing planning permission when in their opinion there was no material consequences.
  - ii) Section 73 applications under the Town and Country Planning Act 1990 as amended to be issued with new conditions.
  - ii) Solar Farm applications of whatever size to be issued where there are no objections.
- f) The European Union level at which the full rules of the European Union apply to works contracts in excess of £3.5 million. It is therefore thought unnecessary for there to be a Cabinet member decision or Cabinet decision for works contracts below £600,000. The rules for supply and services contracts to remain as is given that the EU levels starts at around £180,000 for these contracts.

#### **Other Options Considered**

- 5. The Constitutional Review Group considered reducing the size of the Scrutiny Committees and withdrawing all substitutes from all Committees. The changes proposed are more limited.

#### **Financial Implications**

- 6. The proposed changes to the Constitution should be cost neutral, save for a possible increase in travelling expenses for Planning Committee Members.

#### **Equality and Customer Service Implications**

- 7. The proposed changes are not expected to have such implications.

#### **Legal Implications**

- 8. The Council is required to have an Audit Committee and a committee that deals with Standards Matters. Some Councils have a combined Audit/Standards Committee but to date we have retained separate committees. The Council is a planning authority and therefore must have at least one planning committee and a scheme of delegation to planning officers.