



Report of the Director of Legal and Democratic Services

Council

Date: 19th July 2006

Subject: Recommendations of the Corporate Governance and Audit Committee –
Amendments to the Constitution

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Narrowing the Gap

Executive Summary

1. This report presents to Members recommendations of the Corporate Governance and Audit Committee regarding amendments to the Constitution. The proposed amendments relate to Council Procedure Rule 10, regarding deputations to Council and to Council Procedure Rule 26, regarding substitution arrangements for Council committees.

1.0 Purpose Of This Report

- 1.1 This report presents recommendations made by the Corporate Governance & Audit Committee to Council in respect of amendments to the Constitution and asks Members to approve the amendments.

2.0 Background Information

- 2.1 Corporate Governance and Audit Committee's terms of reference authorise the committee to consider proposals to amend the Constitution and make recommendations to full Council.

3.0 Main Issues

Council Procedure Rule 10

- 3.1 The Corporate Governance and Audit Committee considered this amendment at their meeting of the 29th June 2006.
- 3.2 Council is asked to consider the amendment, which clarifies that deputations to Council which relate to live planning matters are not allowed. The recommendation is made in the context of a recent deputation to Council (which was not permitted on the advice of the Chief Legal Services Officer) and which referred to a live planning matter. Attendance of the deputation could have been prejudicial to the decision of the Plans Panel by allowing a representational route additional to that allowed by the Panel's protocols. Full details of this matter are contained in the committee report, which is attached at appendix 1 of this report.
- 3.3 The proposed wording for insertion in the Council Procedure Rules, at paragraph 10.4.3 is:

“Representations relating to matters subject to current consideration by a Plans Panel shall be restricted to those allowed under the Protocol for Public Speaking at Plans Panels and shall not be allowed as deputations to Council. In cases of doubt the Director of Legal and Democratic Services may require written details of the proposed deputation speech prior to determination of the request.”

Council Procedure Rule 26

- 3.4 The Corporate Governance and Audit Committee also considered this amendment at their meeting of the 29th June 2006.
- 3.5 Council is asked to consider the amendment which would allow the current reserve Independent member and the reserve Parish Member of the Standards Committee to substitute in the absence of the Independent member and Parish Member. This recommendation is made in order to reduce the risk that the committee would be inquorate in the absence of the above members. Full details regarding the reasons this amendment is required, and regarding the legal requirements for the Standards Committee quorum are contained in the committee report attached at appendix 1 of this report.
- 3.6 The proposed wording for insertion in the Council Procedure Rules, at paragraph 26.1 (e), is:

“In relation to the Standards Committee and the Parish and Town Council Hearings Sub-Committee, the reserve Parish Member shall be entitled to attend meetings in

place of a full Parish Member, and the reserve Independent Member shall be entitled to attend meetings in place of a full Independent Member.”

- 3.7 The relevant amended sections of the Council Procedure Rules are attached as appendices to the committee report, which is attached as appendix 1 to this report.

4.0 Implications For Council Policy And Governance

- 4.1 It is part of the Comprehensive Performance Assessment Key Lines of Enquiry that the Constitution is kept under review. Amending the Constitution in the manner outlined will help to ensure that deputations are dealt with fairly and consistently and will mitigate the risk of the Standards Committee being inquorate. This will have a positive impact on the Council’s governance.

5.0 Legal And Resource Implications

- 5.1 There are no legal and resource implications.

6.0 Conclusions

- 6.1 The report proposes two amendments to the Council Procedure Rules, one relating to deputations to Council regarding live planning matters and the other relating to the substitution arrangements for Standards Committee.

7.0 Recommendations

- 7.1 Council is recommended to approve two amendments to the Council Procedure Rules as outlined below.

- That the following words be inserted at paragraph 10.3.4 of the Council Procedure Rules, with consequential renumbering:

“Representations relating to matters subject to current consideration by a Plans Panel shall be restricted to those allowed under the Protocol for Public Speaking at Plans Panels and shall not be allowed as deputations to Council. In cases of doubt the Director of Legal and Democratic Services may require written details of the proposed deputation speech prior to determination of the request.”

- That the following words be inserted as paragraph 26.1 (e) of the Council Procedure Rules:

“In relation to the Standards Committee and the Parish and Town Council Hearings Sub-Committee, the reserve Parish Member shall be entitled to attend meetings in place of a full Parish Member, and the reserve Independent Member shall be entitled to attend meetings in place of a full Independent Member.”