

**CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE**

A meeting of the Constitution and Members' Development Committee was held on 30 November 2018.

**PRESENT:** Councillors S E Bloundele (Chair), R Brady (Vice-Chair), J Hobson, C M Rooney and M Storey and N J Walker

**OFFICERS:** C Breheny, S Reynolds, B Roberts

**APOLOGIES FOR ABSENCE** Councillor Sharrocks.

18/6 **MINUTES - CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 27 APRIL 2018**

The minutes of the Constitution and Members' Development Committee meeting held on 27 April 2018 were submitted and approved as a correct record.

18/7 **REVIEW OF THE CONSTITUTION**

A report of the Monitoring Officer was presented that sought to deal with a number of separate issues: a suggested methodology for a sequential review of the Constitution; to consider whether a member working-group should be established to feed into the constitutional review process; a Member request for consideration of an amendment to the Council Procedure Rules; the recommissioning of the Corporate Parenting Board as a Committee of Council and endorsement of a tranche of minor amendments to the constitution.

Review Methodology

The report proposed that a number of reports would be presented to the Constitution and Members' Development Committee over the coming months, each dealing with a different segment of the Constitution. It would be necessary to arrange additional meetings of the Committee as and when required, to allow for consideration of all elements.

Member Working Group

The views of the Committee were sought on whether it was felt appropriate to establish a working group to feed views into the drafting stage of the constitution. The Committee was of the view that its preference was to independently scrutinise the proposed amendments and for additional meetings to be arranged.

Council Procedure Rules

An issue had been raised in relation to the treatment of applicants and objectors in meetings of the planning and development committee. A member was concerned that in cases where there were multiple objectors, the 5 minute period to address the committee prior to the determination of the application was insufficient. Currently it was at the Chair's discretion as to whether to extend the 5 minute period to a figure considered appropriate at the time. These conventions, however, were not codified in the Constitution.

Following discussion it was agreed that the views of the Planning and Development Committee and Planning Officers be sought and fed back to the Committee in advance of any decision being taken on this issue.

Corporate Parenting Board

The Chair of the Corporate Parenting Board, together with the Executive Director of Children's Services, now considered it appropriate that the Corporate Parenting Board be reconstituted as a Committee of Council. A draft Membership and Terms of Reference document had been produced and the view of the Committee was sought.

#### Amendments to the Constitution

A number of minor administrative amendments to the "Monitoring Officer Protocol", "Statutory Officer Profiles", and "Proper Officer Functions" sections of the Constitution were presented for consideration and endorsement to Council.

#### Code of Corporate Governance

The current Code of Corporate Governance required incorporation into the Constitution, at Part 7. Members were requested to note document prior to presentation to Council for determination.

#### AGREED that:

1. The proposed approach to a comprehensive review of the Constitution be agreed and the requirement for additional meetings of the Committee noted.
2. There was no requirement for a member working-group to be established
3. The views of the Planning and Development Committee and Planning Officers would be sought in respect of the requested addition to the Council Procedure Rules and fed back to the Committee.
4. The reconstitution of the Corporate Parenting Board as a committee of Council, under the membership and Terms of Reference as detailed in Appendix 1, be commended to Council for approval.
5. The minor amendments detailed in appendix 2 be endorsed and commended to Council for approval.
6. The amendments detailed in Appendix 3 be noted and commended to Council for approval.

18/8

#### **LOCALISM ACT 2011 - REPEAL OF LEGISLATION - DEALING WITH PETITIONS**

A report of the Monitoring Officer was presented to provide Council with the opportunity to review the Council's current Petitions Scheme adopted at the Council meeting on 19 May 2010, following the repeal of legislation relating to the requirement for the Council to have a statutory petitions scheme.

The report stated that the Local Democracy and Construction Act 2009, had made it a statutory duty for all Councils to adopt a formal petition scheme. The Localism Act 2011 had repealed the requirement for such a scheme and provided the opportunity for the current petitions scheme to be reviewed in order to provide greater clarity and flexibility in respect of dealing with petitions.

It was noted that there had been some confusion with regards to the process for dealing with petitions received by the Council, which had resulted in some negative experiences by the public. The revised petition scheme would provide greater clarity in respect of how petitions would be dealt with in the future.

The document set out how the Council would deal with petitions that met the criteria set out in the scheme. It was highlighted that there were some circumstances where a petition would not be dealt with under this scheme, including any matters relating to planning or licensing.

The type of petition would determine how the Council would respond and there were two types of petitions:

- I. Ordinary petitions required at least 100 signatures
- II. Petitions for debate at full Council required at least 1,500 signatures

#### AGREED that:

1. Following the repeal of legislation relating to the requirement for the Council to have a statutory petitions scheme, the Council's current scheme, as adopted at the Council meeting on 19 May 2018 be revised.
2. The suggested new Petitions Scheme, as attached at Appendix 1 and 2 be taken forward to Council.