

FAREHAM

BOROUGH COUNCIL

AGENDA

AUDIT AND GOVERNANCE COMMITTEE

Date: Monday, 9 February 2015

Time: 6.00 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor T G Knight (Chairman)

Councillor G Fazackarley (Vice-Chairman)

Councillors P J Davies
Miss T G Harper
D L Steadman
P W Whittle, JP
N R Gregory

Deputies: L Keeble
D J Norris



1. Apologies

2. Minutes (Pages 1 - 4)

To confirm as a correct record the minutes of the Audit and Governance Committee meeting held on 24 November 2014.

3. Chairman's Announcements

4. Declarations of Interest and Disclosures of Advice or Directions

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

5. Deputations

To receive any deputations of which notice has been lodged.

6. Proposed Changes to the Scheme of Delegation to Officers in Respect of the Planning Committee and the Planning Committee Deputation Scheme (Pages 5 - 18)

To consider a report by the Monitoring Officer on the proposed changes to the Scheme of Delegation to Officers in respect of the Planning Committee and the Planning Committee Deputation Scheme.

7. Review of the Constitution (Pages 19 - 22)

To consider a report by the Monitoring Officer on a review of the Constitution.

P GRIMWOOD
Chief Executive Officer

www.fareham.gov.uk
30 January 2015

**For further information please contact:
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FAREHAM

BOROUGH COUNCIL

Minutes of the Audit and Governance Committee (to be confirmed at the next meeting)

Date: Monday, 24 November 2014

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor T G Knight (Chairman)

Councillor G Fazackarley (Vice-Chairman)

Councillors: P J Davies, Miss T G Harper, D L Steadman, P W Whittle, JP
and N R Gregory

**Also
Present:**



1. APOLOGIES

There were no apologies of absence.

2. MINUTES

RESOLVED that the minutes of the Audit and Governance Committee held on 22 September 2014 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that since the last meeting there has been one complaint regarding a suspect breach to the members' code of conduct, this is currently under investigation and further details will be reported to a later meeting of the Committee.

He also welcomed to the meeting Kate Handy and Martin Young from Ernst & Young (External Auditors) and Suzanne Smith and Pat Stothard from Mazars (internal Audit).

4. DECLARATIONS OF INTEREST AND DISCLOSURES OF ADVICE OR DIRECTIONS

In accordance with the Standing Orders and the Council's Code of Conduct, Councillor P W Whittle, JP declared a non-pecuniary interest for minute 7 – External Auditors Annual Audit Letter as he lets contracts to Ernest & Young through his job.

He also declared a non-pecuniary interest in minute 10 – Counter Fraud Progress as he is a Justice of the Peace for the South East Magistrates and has on occasions adjudicated on fraud cases outside of the Borough.

5. DEPUTATIONS

There were no deputations made at this meeting.

MATTERS SUBMITTED FOR CONFIRMATION

6. REVIEW OF FINANCIAL REGULATIONS

The Committee considered a report by the Director of Finance and Resources on a review of Financial Regulations 21 – External Arrangements and 4 – Authorisation Limits.

RESOLVED that the Committee recommends to Council that the proposed changes to these regulations as set out in Appendix B and C to the report be approved.

DECISIONS MADE UNDER DELEGATED POWERS

7. EXTERNAL AUDITORS ANNUAL AUDIT LETTER

The Committee considered a report by the Director of Finance and Resources on the External Auditors Annual Audit Letter.

Councillor Whittle declared a non-pecuniary interest in this item as he lets contracts to Ernst & Young as part of his job.

At the invitation of the Chairman, Kate Handy from Ernst & Young presented the report to the Committee and took questions from members.

Councillor Whittle addressed the Committee to congratulate officers on such an exemplary report.

RESOLVED that the Committee notes the content of the report.

8. IMPLEMENTATION OF TREASURY MANAGEMENT POLICY AND STRATEGY

The Committee considered a report by the Director of Finance and Resources on the Implementation of the Treasury Management Policy and Strategy.

Councillor Whittle enquired about the investment portfolio and as to whether it was cost effective to manage it internally and externally. The Director of Finance and Resources advised that the share of internally and externally managed investments is kept under review to ensure that it represents a good value approach. He also explained that having an external company managing part of the investment portfolio is an essential part of the Risk Management Strategy.

RESOLVED that the Committee notes the content of the report.

9. QUARTERLY AUDIT REPORT

The Committee considered a report by the Director of Finance and Resources on the quarterly audit report.

At the invitation of the Chairman, Pat Stothard from Mazars, presented the report and took questions from members.

Councillor Gregory enquired as to whether the implementation of the Vanguard interventions are affecting the internal audit processes and the recommendations that have come out of those audits. Pat Stothard confirmed that the Vanguard interventions can impact upon recommendations from audit reviews, however once recommendations are issued they are monitored and where changes to the service have occurred the recommendations are reviewed to see if they are still relevant and if not then they can be removed.

RESOLVED that the Committee notes the progress of the Contractor Internal Audit Plan, as set out in Appendix A to the report.

10. COUNTER FRAUD PROGRESS

The Panel considered a report by the Director of Finance and Resources on an update on the progress of Counter Fraud.

Councillor Whittle, JP declared a non-pecuniary interest in this item as he is a Justice of the Peace for the South East Magistrates and has on occasions adjudicated on fraud cases outside of the Borough.

Councillor Whittle enquired if it was possible for the section on the National Fraud Initiative in the report to include comparative figures for previous years so that members can have a better overview and understanding of how the fraud investigations are progressing. The Head of Audit and Assurance explained that it could be misleading as the nature of what is covered under National data is constantly changing, however she will look at the feasibility of this for the next report.

RESOLVED that the Committee notes the content of the report.

11. UPDATE ON AUDIT RECOMMENDATIONS

The Committee considered a report by the Director of Finance and Resources on an update on Audit Recommendations.

Members thanked the Head of Audit and Assurance for all of her hard work that went into creating the report and they commented that they found the report to be extremely useful.

RESOLVED that the Committee notes the content of the report.

12. REVIEW OF COMMITTEE WORK PROGRAMME

The Committee considered a report by the Director of Finance and Resources which reviewed the Committee's work programme.

The Chairman, Councillor Knight requested that the training session for members on the annual governance statement be included in the work programme.

RESOLVED that, subject to the addition of the training session for members on the annual governance statement, the work programme for the remainder of the year, as set out in Appendix A to the report, be approved.

(The meeting started at 6.00 pm
and ended at 7.07 pm).

FAREHAM

BOROUGH COUNCIL

Report to Audit and Governance Committee

Date **9 February 2015**

Report of: **Monitoring Officer**

Subject: **PROPOSED CHANGES TO THE SCHEME OF DELEGATION TO OFFICERS IN RESPECT OF THE PLANNING COMMITTEE AND THE PLANNING COMMITTEE DEPUTATION SCHEME**

SUMMARY

Fareham Borough Council is working with Vanguard Consulting to improve the way in which services are provided to its customers.

In February 2014 Vanguard consultants began working closely with the Development Management Service and began a full intervention into the processing of planning applications.

A number of changes have been made to the way in which planning officers deal with planning applications to make the process easier, faster and more inclusive for those using the service.

The Intervention has now arrived at a point where changes to the way in which the Planning Committee works, will assist further in the Council's ambition to ensure that the services provided meet the needs of its customers. The appended report sets out recommended changes to the way the Planning Committee works to meet these ambitions.

Members of the Audit & Governance Committee are asked to review the proposed amendments and make their recommendations to Council.

RECOMMENDATION

That the Audit and Governance Committee:

- (a) notes the comments of the Planning Committee; and
- (b) recommends to Council that proposed changes to the Scheme of Delegation to Officers in respect of the Planning Committee and the Planning Committee Deputation Scheme as set out in paragraphs 38 and 48 of the report at Appendix A, along with the minor amendments and clarifications recommended by the Planning Committee in paragraph 5 of the report be agreed.

INTRODUCTION

1. Members will be aware that Vanguard Consulting has been working with Officers across a range of services within Fareham Borough Council.
2. The Vanguard intervention with Development Management began in February 2014 and is now well underway. The primary area of focus to date has been around how planning and related applications are processed.

INTERVENTION FINDINGS

3. The Intervention has now arrived at a point where changes to the way in which the Planning Committee works, will assist further in the Council's ambition to ensure that the services provided meet the needs of its customers.
4. A report by the Head of Development Management gives further details on the findings of the intervention and the suggested changes to working procedures. The report was considered by the Planning Committee at its meeting on 28 January 2015 and is attached at Appendix A.
5. In considering the report, the Planning Committee agreed the following minor amendments and clarifications:
 - (a) with regard to the number of representations that needed to be received before an application would automatically be reported to Committee, it was confirmed that if 5 letters of representation were received on an application raising material planning issues, regardless as to whether they were all against the officer's recommendation or not, that application would be reported to the Committee for decision;
 - (b) with regard to how petitions would be handled under the proposed changes, it was confirmed that if a petition was received raising material planning issues which contained 5 or more signatures from different households then that application would be reported to the Committee;
 - (c) Members requested that paragraph 44 of the report be expanded to state that any member who calls in an application must attend the Committee when that item is considered;
 - (d) with regard to informal Member briefings, it was clarified that no planning applications would be presented to the informal Member briefing and then decided on the same day in the formal Planning Committee.
6. The Planning Committee unanimously supported the proposals and resolved to recommend the changes to the Scheme of Delegation to Officers in respect of the Planning Committee and the Planning Committee Deputation Scheme as set out in paragraphs 38 and 48 of the report, to the Audit and Governance Committee for its consideration, subject to the amendments in paragraph 5.

RISK ASSESSMENT

7. If the recommended changes are not supported, it could:
 - (a) reduce the Council's ability to fully deliver a Development Management service which meets the needs of its customers;

- (b) reduce the scope for the Planning Committee to spend greater amounts of time on significant pre-application proposals and planning applications;
- (c) mean that a number of applicants will have to wait significantly longer to get a decision on their application ; and
- (d) require Development Management Officers to continue to invest considerable time and resources on producing reports for the Planning Committee on small scale matters, many of which the Planning Committee does not wish to discuss.

SUMMARY

8. The Audit and Governance Committee are requested to review the proposed changes and to recommend the subsequent changes to the relevant parts of the Constitution to the Council for approval.

Reference Papers:

Report to Planning Committee 28 January 2015

Enquiries:

For further information on this report please contact Leigh Usher. (Ext 4553)

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **28 January 2015**

Report of: **Director of Planning and Development**

Subject: **PROPOSED CHANGES TO THE WORK OF MEMBERS OF THE
PLANNING COMMITTEE**

SUMMARY

Fareham Borough Council is working with Vanguard Consulting to improve the way in which we deliver services to our customers.

In February 2014 Vanguard consultants began working closely with the Development Management Service and began a full intervention into the processing of planning applications.

A number of changes have been made to the way in which planning officers deal with planning applications to make the process easier, faster and more inclusive for those using the service.

The Intervention has now arrived at a point where changes to the way in which the Planning Committee works, will assist further in the Council's ambition to ensure that the services we provide meet the needs of our customer. The following report sets out recommended changes to the work of Members of the Planning Committee to meet these ambitions.

Should Members support the proposed changes; the amendments to the Constitution will need to be considered by the Audit and Governance Committee before being recommended to Council for approval before they can be implemented.

RECOMMENDATION

That the Planning Committee recommends to the Audit and Governance Committee that the proposed changes to the Scheme of Delegation to Officers in respect of the Planning Committee and the Planning Committee Deputation Scheme as set out in paragraphs 38 and 48 of the report, are supported.

Introduction

1. Members will be aware that Vanguard Consulting has been working with Officers across a range of services within Fareham Borough Council.
2. The Vanguard intervention with Development Management began in February 2014 and is now well underway. The primary area of focus to date has been around how we process planning and related applications.
3. A range of changes have also been made to enable Fareham Borough Council to issue planning decisions quicker. Development Management Officers now seek to agree details wherever possible when dealing with applications, rather than imposing planning conditions which require their subsequent approval. This means that more planning permissions are now capable of being implemented immediately without the need for any further planning approvals.
4. There is now greater dialogue between Development Management Planners, applicants and agents, and residents who express interest in planning proposals. Planners are increasing the contact they have with Ward Councillors, providing updates on cases where objections have been received and identifying key planning issues. This contact with Ward Councillors will continue to increase as the Vanguard changes become more embedded in the Development Management work.
5. The way in which consultations are undertaken both with other Council departments and statutory consultees is also being changed to ensure issues are fully considered.
6. A number of changes have been made to improve the way in which we deliver the service to our customers and many more changes will continue to be made over the coming months.
7. The intervention has however arrived at a point where it is appropriate to look at the role of the Planning Committee in the development management process, and changes that could be made to further meet the needs of customers.

The current work of the Planning Committee

8. The Planning Committee presently sits every 4 to 5 weeks.
9. The determination of planning applications represents the bulk of the work that the Planning Committee undertakes. Other areas of work include the confirmation of tree preservation orders and consideration of 'information' reports on matters such as planning appeal performance.
10. Approximately 1,200 planning related applications are received by Fareham Borough Council every year. Of these applications, around 15% are decided by the Planning Committee with the other 85% dealt with under Officers delegated powers.
11. The number of planning applications reported to the Planning Committee during 2014 ranged in number from 7 at October's meeting to 23 at June's Committee.
12. The majority of those applications that are reported to the Planning Committee are because representations are received which are contrary to the intended decision of

the Head of Development Management. For example if one letter of support is received on an application which Officers believe should be refused, or a letter of objection is received to an application Officers believe should be permitted, the application is reported to the Planning Committee.

13. The need to report all applications to the Planning Committee where views are received contrary to the recommendation of officers means that the Committee currently spends a lot of its time considering small scale, mainly householder applications.
14. Throughout 2014, planning officers assessed the nature and scale of planning applications considered by the Planning Committee. With a very small number of exceptions, Members only discussed applications where applicants, agents, neighbours or Ward Councillors came and made a deputation.
15. In almost every case where there were no deputations, Members voted unanimously to accept the Officers' recommendation without discussion. Where deputations were received and Members discussed the proposals, Members accepted the recommendations of Officers in the vast number of cases.

Implications of the present arrangements

16. When planning applications are reported to the Planning Committee, it significantly increases the length of time it takes for applicants to get decisions from this Council.
17. There is a considerable resource implication in terms of time for Development Management and Democratic Officers, in producing the Planning Agenda and reports and managing the meetings.
18. Finally, there is a disproportionate amount of time spent by the Planning Committee on small scale works compared with the time spent on significant proposals.

Proposals for the future work of the Planning Committee

19. Officers believe that Members of the Planning Committee should be involved in significant planning proposals within the Borough to a greater extent than at present. There are two particular ways in which this could be done at both the pre-application and planning application stage.

Pre-application stage:

20. The provision of a comprehensive pre-application is strongly encouraged through Government guidance and advice. The National Planning Policy Framework (paragraphs 188-190) states:
21. *'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.'*

22. *Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.*
23. *The more issues that can be resolved at pre-application stage, the greater the benefits.'*
24. We believe it would be appropriate that pre-application proposals for significant proposals are presented to Members of the Planning Committee, Ward Members and indeed any Members who may have an interest. The presentation would explain to Members the proposals being developed and would highlight key planning policies and issues.
25. We believe this is a very important piece of work in the shaping of future planning applications. It will enable Members to ask questions during the early preparation of planning proposals and help address concerns, refine planning proposals and help deliver quality developments before they are formally submitted.
26. Pre-application presentations would take the form of informal Member briefings immediately in advance of the formal Planning Committee meeting.

Planning applications:

27. For significant planning applications, we believe it is very important that these are presented to the Planning Committee on an 'information only' basis before they are reported for formal decision.
28. We believe this is a very important piece of work in the consideration of planning applications. It will enable Members to ask questions and seek clarity on proposals and the nature of Section 106 community benefits being offered (in appropriate cases).
29. Such presentations would take the form of informal Member briefings immediately in advance of the formal Planning Committee meeting.

Delegation arrangements

30. Within the preceding paragraphs we have set out two substantial and important areas we believe should become an integral part of the work of Members of the Planning Committee. The number of significant planning proposals anticipated within the Borough, means that Member briefings on pre-application proposals or 'information updates' on significant planning applications are likely to occur before most formal Planning Committee meetings. The work of the Planning Committee Members will increase through their greater involvement with significant pre-application enquiries and planning applications as described above.

31. Fareham Borough Council is consulted by neighbouring local authorities when they receive significant planning proposals which may have implications for this Borough. Officers believe that it is important that the Planning Committee has the opportunity to consider these consultations on significant applications and these matters will be brought to the Planning Committee.
32. To enable Members to spend time on this work and to speed up the granting of planning permission for smaller scale, straightforward applications, we recommend changes are made to the current Scheme of Delegation to Officers. The changes recommended would reduce the number of applications automatically reported to the Planning Committee, whilst ensuring measures are in place for Members to call-in any proposals they wish the Committee to consider.
33. At the present time the receipt of just one representation raising views contrary to the recommendation of officers requires the application to be reported to the Planning Committee.
34. Through discussions with other local neighbouring authorities within Hampshire it appears that most report applications to the Planning Committee only when five or more representations (from different households) are received. Those neighbouring Councils advise that the following percentages of planning applications are decided under Officers Delegated powers:

Eastleigh Borough Council: 90%
Gosport Borough Council: 94%
Havant Borough Council: 95%
Portsmouth City Council: 92%
Southampton City Council: 92%
Winchester City Council: 95%

Proposed changes to the Scheme of Delegation to Officers

35. At the present time the Scheme of Delegation to Officers allows the Head of Development Management to make decisions on all applications for:
- a. Planning permission (including renewals and those submitted by other officers relating to Council owned land)
 - b. Listed building consent
 - c. Conservation area consent
 - d. Display of advertisements
 - e. Hazardous substance consent
 - f. Approval of reserved matters
 - g. Approval of matters covered by a condition

Except those where:

- (i) a Councillor registers a request by completing a standard form setting out material reasons why the application be referred to the Committee and that the form be attached to the committee report
- (ii) Any application submitted by or on behalf of a Councillor or an Officer of the Council or their respective spouses or partners.

(iii) Representations are received (and not withdrawn) which are contrary to the intended decision of the Head of Development Control/Chief Development Control Officer

36. Officers are proposing that the Officer Scheme of delegation should be amended so that five or more representations (from different households) must be received before an application is automatically reported to the Planning Committee. Multiple representations from the same household should be treated as one representation.

37. Any Councillor would be able to call any planning application onto the Planning Committee for decision if they would like to do so. Requests to call applications onto the Planning Committee would need to be made in writing and must explain the reasons for the call-in.

38. In order to make these changes Officers recommend that the current Scheme of Delegation to Officers set out at points (i)-(iii) above is amended in the following manner:

(i) A Member registers a request before the expiry of the 21 day neighbour notification period, for a planning application to be reported to the Planning Committee for decision. Requests to call applications onto the Planning Committee are to be made in writing to the Head of Development Management and must explain the material planning reasons for the call-in. The reasons for calling items onto the agenda will be set out in the Planning Officers' reports.

(ii) Any application submitted by or on behalf of a Member or an Officer of the Council, or their respective spouses, partners or close relations.

(iii) Five or more representations (from different households) raising material planning reasons are received during the 21 day neighbour notification period which are contrary to the intended decision of the Head of Development Management. Multiple representations from the same household are to be treated as one representation.

39. Officers would continue to report significant applications (for example where they are of strategic importance or raise important planning policy issues) to the Planning Committee whether five representations are received or not.

40. Significant proposals being developed by or on behalf of this Council will also be reported to the Planning Committee irrespective of the number of representations received in the interests of transparency of decision making.

41. Officers have carefully considered the implications of increasing the number of representations which need to be received before a planning application is automatically reported to the Planning Committee. As part of that consideration, Officers have reviewed the applications decided by the Planning Committee in 2014.

42. During 2014, the Planning Committee overturned the recommendations of Planning Officers on 10 occasions. Of the 10 overturned recommendations, Officers had recommended that permission be granted in 8 cases but Members refused the proposals. The other 2 cases were recommended for refusal but Members voted to permit them.
43. More than 5 representations were received in relation to all 8 applications that the Planning Committee refused. Under the recommended changes to the Scheme of Delegation to Officers, all 8 of those applications would still automatically come to the Planning Committee for decision.
44. Of the 2 applications which were permitted against Officers recommendations, one had been called onto the Agenda by a Ward Councillor.
45. Therefore of the 10 recommendations overturned, only one application would not have come to the Planning Committee automatically under the new arrangements.

Other recommended changes to practices at the Planning Committee

46. Under the Council's present deputation scheme, Members are not able to seek clarification from speakers or other attendees at the Planning Committee meeting when considering planning applications. At present the Head of Development Management is asked to go and speak directly with people within the audience when clarification is needed; he then returns to his chair and advises the Planning Committee of the clarification he has received.
47. This approach to seeking clarification is not ideal as it disrupts debate on planning proposals. Furthermore it does not come across as completely transparent as neither Members nor other people in the room can hear the actual questions being asked by the Head of Development Management or the clarification provided.
48. Officers believe it would be appropriate that Members of the Planning Committee (through the Chairman) should be able to ask deputees, applicants and agents to clarify aspects of proposals or comments they have made when applications are formally considered, when appropriate. Should Members agree to this approach, the Planning Committee's deputation scheme would need to be amended.

Other issues

49. Should Members support the changes set out in this report, Officers would suggest that for the next municipal year the starting time of the formal Planning Committee meeting should be 3pm. Immediately in advance of the formal meeting, between 2pm and 3pm, Officers would provide Members with the informal briefings on pre-application proposals, information updates on significant planning applications and changes to National planning policy.
50. The contents of this report along with the recommended changes have been brought to the attention of regular planning agents and Amenity Groups within the Borough.

Summary

51. Vanguard Consulting have worked closely with Development Management in order to ensure that the service is focused on meeting the needs of our customers. A number of changes have already been made to the way in which the service is delivered on a day to day basis and further changes are continuing to be made.
52. This report sets out a number of recommended changes in order to build on and process further the service improvements already being implemented by Officers. These recommended changes can be summarised as:
53. Members of the Planning Committee receiving regular informal briefings on significant pre-application proposals immediately before Planning Committee meetings;
54. Members of the Planning Committee receiving regular informal briefings updating them on significant planning applications, immediately before Planning Committee meetings;
55. Changes to the Scheme of Delegation to Officers - planning applications will be reported to the Planning Committee where at least five letters of representation have been received. Applications raising significant policy issues, significant proposals being undertaken by Fareham Borough Council and consultations from neighbouring authorities on proposals which have significant impacts upon this Borough, will be reported to the Planning Committee even where less than five letters are received. Members will be able to call any planning application onto the Planning Committee for decision.
56. Members will be able to ask applicants, agents and deputees at the Planning Committee meeting to clarify matters, where that clarification is needed to assist them in decision making.

Risk assessment

57. If the recommended changes are not supported, it will reduce this Council's ability to fully deliver a Development Management service which meets the needs of our customers.
58. The scope for the Planning Committee to spend greater amounts of time on significant pre-application proposals and planning applications is reduced.
59. A number of applicants will have to wait significantly longer to get a decision on their application as at present.
60. Development Management Officers will continue to invest considerable time and resources on producing reports for the Planning Committee on small scale matters, many of which the Planning Committee does not wish to discuss.

Conclusion

61. Members advise the Audit and Governance Committee that the proposed changes to the Scheme of Delegation to Officers and the Planning Committee Deputation scheme as set out in paragraphs 38 and 48 of the report, are supported

Enquiries:

For further information on this report please contact Lee Smith, Head of Development Management at lsmith@fareham.gov.uk (direct dial 01329 824427) or Richard Jolley, Director of Planning and Development at rjolley@fareham.gov.uk (direct dial 01329 8244388).

FAREHAM

BOROUGH COUNCIL

Report to Audit and Governance Committee

Date **9 February 2015**

Report of: **Monitoring Officer**

Subject: **REVIEW OF THE CONSTITUTION**

SUMMARY

This report invites the Audit and Governance Committee to consider how Members can take an active role in a review and update of the Council's Constitution,

RECOMMENDATION

That the Audit and Governance Committee consider the proposals to set up a Member Officer Working Group to assist with the review and update of the Council's Constitution before consideration by the Scrutiny Board and the Executive and approval by Council.

If supported, the Audit and Governance Committee will refer its recommendation to the Council to request that the Member Officer Working Group be established and that the Group Leaders be requested to nominate members to the group.

INTRODUCTION

1. It is a duty of the Monitoring Officer to maintain an up-to-date version of the Constitution and to advise the Council on the review and update of the Constitution at regular intervals.
2. The Head of Democratic Services is undertaking a review of the Constitution and is now consulting the Audit and Governance Committee on how Members can be involved in the review stage before suggested updates are recommended to either the Executive via the Scrutiny Board and to Council.

BACKGROUND

3. In November 2013, the Head of Democratic Services presented a report to the Audit and Governance Committee on updates to the Standing Orders with respect to Meetings. As part of the discussion on that item, the Committee expressed a wish to be involved at an earlier stage in the review of the content of the Constitution in order to make a more informed contribution.
4. Work has begun to collate the sections of the Constitution for which changes have already been approved by Council and to identify sections which are now out of date and in need of amendment due to legislative changes.
5. The next phase of work will be to review the Constitution in light of organisational and procedural changes which already have or are in the process of changing. There is also a piece of work to be done in identifying any desired changes and to consider any “future-proofing” which may be required.
6. A number of operational service reviews are being carried out across the organisation as part of the Vanguard intervention work. As these progress, there may be a number of procedural rules which form part of the Constitution that will require amendment and will need the input and approval of Members.

PROPOSALS

7. In order to achieve the aim of enabling Members to be involved in the review work at an earlier stage, it is proposed that a Member Officer Working Group be established.
8. To ensure that the considerable volume of work anticipated is manageable, it is proposed that a working group, preferably nominated by Group Leaders, consisting of 4 Members be established with a political balance currently of 3 Conservative group Members and 1 Liberal Democrat group Member. The working group should ideally include at least one Executive Member.
9. The Chairman of the Audit and Governance Committee would oversee the working group in consultation with the Monitoring Officer.
10. For changes to parts 1 – 3 of the Constitution the working group will initially refer proposals to the Executive via the Scrutiny Board (as per Part 1:Ch14, para 14.3) before they are considered by the Audit and Governance Committee. Parts 4 – 8 will be referred directly to the Audit and Governance Committee.

RISK ASSESSMENT

11. There are no significant risk considerations in relation to this report

CONCLUSION

12. The proposals to set up a Member Officer Working Group for the review and update of the Constitution are submitted to the Audit and Governance Committee for consideration.

Background Papers:

None

Reference Papers:

Report to Audit and Governance 25 November 2013: Updates to the Constitution

Enquiries:

For further information on this report please contact Leigh Usher. (Ext 4553)

