

**Report by the Chief Executive and Monitoring Officer recommending changes to the Constitution and to seek confirmation of the Committees and their size and terms of reference and to agree the scheme of delegations.**

### **Purpose**

**To agree proposed changes to the Constitution and to adopt the revised Constitution.**

**In adopting the amended Constitution, Council will be confirming the current Committee structure and the size and terms of reference of the Committees as set out in Articles 7, 8, 9, and 10 (as amended).**

**In adopting the amended Constitution, Council will be confirming the scheme of delegations.**

### **Report**

The detail below contains the main proposed amendments to the Constitution and the rationale behind the changes. There are a couple of minor typographically changes that are not detailed but are in track changes in the draft, which the link to access is in the first recommendation.

#### **Article 2**

- 1.1 The list of Councillors has been updated to reflect the newly elected Council and also the revisions to the Wards following the Local Government Boundary Review in 2017.
- 1.2 There are also some consequential amendments throughout to reflect that there are now 60 Councillors.

#### **Cabinet Portfolios and Lead Members**

- 2.1 There will be changes to the Cabinet Members and possibly the areas of responsibility. There may also be changes to the Lead Members in terms of the number and the areas they cover. The need to amend the Constitution to deal with these changes is dealt with in the recommendations section.

## **Terms of Reference of Committees**

- 3.1 The Membership of the Strategic Planning Committee has been amended. It was a prescribed list of members and with the change in the political makeup of the Council it is not going to be possible to allocate members to this committee in accordance with its terms of reference and comply with the political balancing rules. Accordingly the list of positions which comprise part of the membership has been removed, leaving the same overall number of members on it and a stipulation that there may be no more than four Cabinet members (which was the case previously).
- 3.2 Wording has been added in relation to the Licensing Committee to ensure that the Licensing Authority can continue to carry out its regulatory function between the election of a new Council and the appointment of committees at Annual Council.
- 3.3 The quorum number for Audit and Governance has been increased to three from two.
- 3.4 The Housing Company Sub-Committee membership has been amended so that the Asset Management Portfolio Holder replaces Corporate Services.

## **Panels and Forums**

- 4.1 The Office Accommodation Executive Group has been removed as, following the office relocation, it is no longer required.
- 4.2 The New Homes Bonus Panel and Community Fund Panel have been combined into a Community Grant Panel with the intention that this panel will make all decisions on the giving of grant money (from whatever source) to the community. Below is the proposed Terms of Reference for the Panel.

### ***Community Grant Panel Terms of Reference***

*Membership: 7 members (politically balanced) determined at Annual Council*

*Meetings: There will normally be at least two meetings annually. Meetings called on an "as and when required" basis to deal with business.*

*Quorum: 4*

*The Community Grant Panel was set up by Council at its meeting on 22<sup>nd</sup> May 2019 (Minute XX).*

### ***Terms of Reference***

1. *The Lead Officer is the Community Engagement and Funding Officer.*

2. *To determine any applications made for grant funding under a scheme which Cabinet has determined shall be dealt with by the Community Grant Panel (which includes those decisions previously the responsibility of the Community Fund Panel and New Homes Bonus Panel).*
3. *To make recommendations to Cabinet on the allocation of grant funding which is not otherwise delegated to the Community Grant Panel or to officers under the Scheme of Delegation.*
4. *To receive information on the administration and use of grants awarded by the Council.*
5. *To determine the criteria and / or rules which a grant funding scheme shall follow where requested to do so by Cabinet or to recommend to Cabinet the criteria and / or rules which a grant funding scheme shall follow.*

## **Rules of Procedure**

- 5.1 Reference to 'Development Management Committee' has been removed from paragraph 1.2 III (page 113) as this is a politically balanced committee.

## **Scheme of Delegations**

### Portfolio holders

- 6.1 It is proposed to include the ability for the Portfolio Holder for Sustainable Homes and Communities to determine applications to remove S.157 restrictions from properties – this is the restriction that seeks to keep former Council housing available to local residents and which is supposed to depress the value. There are very few applications but following a situation during last year and a recommendation from the Local Ombudsman that we have a process for dealing with requests it is proposed that the Portfolio Holder is the right level for such decisions to be taken at. The Portfolio Holder already determines whether or not consent should be granted to someone who doesn't automatically qualify for consent to occupy under the restriction.

### Officers

- 6.2 To save the Licensing Committee from hearing licensing applications where an agreed position has been reached (thereby rendering a hearing unnecessary) the Strategic Lead (Governance and Licensing) has been given the power to approve such licences with a revision to the existing authority in paragraph 3 on page 86.
- 6.3 The Environment delegations to the Strategic Lead (Housing, Health and Environment) have been amended to keep the list of legislation up to date. There is a new authority to deal with the granting of permissions under the Coastal Protection Act which essentially relates to the maintenance / upkeep of coastal flood defense structures (with consequential numbering changes).

- 6.4 The Planning and Building Control delegation No.11 has been amended to include reference to another type of application that officers consider should not need to go before DMC – being applications that relate to a development where the principle of what is sought has been established through the prior notification procedures. There is also a clarification point to make it clear that non-material amendments (i.e. very minor amendments to approved schemes) do not need to be reported to DMC.

There is a consequential change to delegation No.13 to make it clear that such applications can be determined by the Service Lead. Additionally, the approval of non-designated heritage assets to be included on the Local List is delegated to the Service Lead.

Delegation No.18 is amended to make it clear that it is the Service Lead's discretion whether to take enforcement action in relation to the Community Infrastructure Levy Regulations 2010.

### **Members Code of Conduct**

- 7.1 The Member's Code of Conduct has been amended so that references to 'Parts' is now 'Sections' for the sake of clarity. Paragraph 3 has been amended to refer to social media following the recommendation from the Standards Committee.

### **Employee Code of Conduct**

- 8.1 The employee code has been updated to make it clear that we won't employ someone where a conflict might arise due to a relationship with someone who is already employed by the Council or is a member of the Council.

### **Members Allowances**

- 9.1 Travelling rates section amended to remove specific date / rate information and reference to 'current' HMRC rates included. This is to avoid having to amend the section if / when HMRC amend their rates.
- 9.2 Childcare and dependents allowance section amended to make it clear that payment is based on the National Living Wage and the basis upon which payments are made.

## **RECOMMENDATION that Council**

1. Approves the Constitution including the amendments to it as shown in the [draft](#) and detailed in this report and thereby agree the Committee structure, their size and terms of reference and the scheme of delegations.
2. Delegates authority to the Monitoring Officer to amend the Constitution during the civic year to reflect legislative changes and to amend any of the details in the 'Existing Name and Area of Wards and Number of Councillors' table as necessary.
3. Delegates authority to the Monitoring Officer to amend the Constitution to reflect the Leader's appointment of Cabinet Members and portfolio areas of responsibility and to revise the Leader's Scheme of Delegations to Portfolio Holders (Part 3 Section 2) so that specific powers align with any changed portfolios where necessary.
4. Delegates authority to Cabinet to determine the Lead Members and their areas of responsibility and to the Monitoring Officer to update the Constitution accordingly.