

Subject:	Review of the Council's Constitution
Date of Meeting:	30th April 2020 14 th May 2020 - full Council
Report of:	Executive Lead Officer for Strategy, Governance & Law (Monitoring Officer)
Contact Officer:	Name: Abraham Ghebre- Ghiorghis
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Ward(s) affected:	All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT:

- 1.1 This report proposes changes to the Council's Constitution for approval by Policy & Resources Committee and (where relevant) Council. The proposals set out in the report have been considered by the cross-party Constitutional Working Group (CWG).

2. RECOMMENDATIONS:

Policy & Resources Committee:

- 2.1 That the proposal to make changes to the Scheme of Delegations to Officers in Part 6 of the Council's Constitution relating to the Council's planning functions as indicated in paragraphs 4.1 - 4.3 and Appendix 1, and as indicated in paragraphs 4.4 -4.5, be agreed.
- 2.2 That the proposal to make changes to the Scheme of Delegations to Officers in Part 6 of the Council's Constitution relating to the Council's information rights casework (paragraphs 4.6 – 4.7) and in respect of overseas trips (paragraph 4.8) be agreed.
- 2.3 That Full Council be recommended to approve the changes recommended to it in paras 2.4 to 2.6 below.

Full Council:

- 2.4 That the proposed changes to delegations in respect of the Environment Transport and Sustainability Committee indicated in paragraphs 4.4 – 4.5 be agreed.
- 2.5 That the proposal at para 4.10 and Appendix 2 to amend the Council Procedure Rules at Part 3.2 of the Council's Constitution in respect of arrangements for member amendments be agreed.

- 2.6 That the proposal at para 4.11 and Appendix 3 for amendments to Part 8.4 – Guidance for Members and Officers serving on Outside Bodies be agreed.

Policy & Resources Committee and Full Council:

- 2.7 That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental to the implementation of the changes agreed by the Policy & Resources Committee and by Full Council, and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes.
- 2.8 That the proposed changes come into force immediately following their approval by Policy & Resources Committee or adoption by Full Council, as appropriate.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Council is required to keep its Constitution under review with a view to achieving efficiency, economy and effectiveness. The cross-party Constitutional Working Group (CWG) was set up to assist with this by considering proposals and advising the Council on proposed changes to the constitution. The current members of the CWG are Councillors Moonan (Chair), Littman and Wares. The proposals set out in the report were discussed and agreed by the CWG on 11th March 2020.

4. PROPOSALS

Planning delegations

- 4.1 This proposal seeks to provide that those planning applications relating to major developments which do not attract a minimum of ten representations may be determined by officers, unless the Chair of Planning Committee or either of the two Opposition Leads for Planning wish the matter to be referred to Committee for decision. This proposal was made to the CWG by the Planning Committee Working Group and suggested wording is attached as Appendix 1.
- 4.2 It should be noted that the above arrangement remains subject to the existing rights of all ward members to 'call in' any planning application, and subject also to the provision whereby the Conservation Advisory Group or (for development in Rottingdean) Rottingdean Parish Council may request that any planning application be determined by Planning Committee.
- 4.3 The objective of this proposal is to streamline process in relation to those applications which do not generate public engagement above the recommended threshold. It is considered that this might potentially reduce the resource burden of Planning Committee.
- 4.4 This Committee may wish to note in relation to Planning matters that proposals to put in place the necessary administrative arrangements to implement a Community Infrastructure Levy (CIL) are being put to a meeting of the Council's Tourism, Equalities, Communities & Culture Committee. That Committee will be asked to consider recommending amends to officer delegations to full Council which achieve this and which also bring officer delegations in relation to other

types of developer contributions (including S106 contributions) into line with the delegations in relation to the administration of CIL.

Traffic regulation order delegations

- 4.5 One unresolved objection to the making of any traffic regulation order (TRO) is currently sufficient to trigger its referral to the Environment Transport and Sustainability Committee. It is proposed that delegations to officers and to that Committee be amended to provide that the threshold for referral to Committee be raised to six or more unresolved objections, and that TRO's may otherwise be determined by officers. It is proposed that this approach be adopted alongside a further change: one whereby ward members would be able to 'call in' any traffic regulation order, whether or not the subject of any objection(s), in much the same way as members may call in any planning application in their ward.
- 4.6 This proposal is made with the aim of reducing the resource expended in drafting and bringing officer reports (an estimated nine or more last year), which are not then called, the majority of which are proposed for safety related issues, for instance double yellow line installations to protect corners and/or the introduction of disabled bays.

Information rights casework

- 4.7 It is proposed that the council's Information Rights casework (Freedom of Information and Subject Access Requests) is brought within the remit of the Executive Lead – Strategy, Governance and Law. This would enable this function to be managed by the council's Performance, Improvement and Programmes team, with the aim of enhancing the delivery of that part of the council's responsibilities. This proposal would see Information Security and Governance (including privacy impact assessments and strategic input) remaining where it currently sits, in the Finance and Resources directorate.
- 4.8 It is therefore proposed to amend officer delegations in Part 6 of the Constitution to distinguish Information Rights casework from other functions which fall under the heading of Information Governance, and to stipulate that that area will sit in the directorate of the Executive Lead – Strategy, Governance and Law.

Authorisation of overseas trips

- 4.9 It is proposed that the rules be amended to formalise the current expectation that on the (infrequent) occasions where the council is either nominating an individual or group to make an overseas trip, or contributing toward the funding of such an initiative, then that course of action must be authorised both by the Chief Officer with responsibility for the relevant function and also by the Chief Executive.

Procedural rules regarding member amendments to motions

- 4.10 In order to ensure the smooth running of the council's business, Rule 15.4 of the Council Procedure Rules at Part 3.2 of the Council's Constitution provides a process whereby members are expected to submit any amendments to motions by 10am on the day of the meeting.

- 4.11 This requirement does not however permit sufficient time where the relevant decision-making body is meeting at 12 noon or before on any given day. It is therefore proposed that the rules be amended to provide that – in the case of a meeting starting on any given morning – the deadline for the submission of such amendments only be brought forward to 4pm on the previous working day. The proposed wording for the amendment is at Appendix 2.

Update to the Guidance for Members and Officers Serving on Outside Bodies

- 4.12 It has been noted that those officers and members who are appointed as trustees of charitable organisations will have key responsibilities to the relevant organisation. With the aim of assisting particularly those members who have been nominated to a charity by the council in discharging their responsibilities in a compliant way, the council's Guidance on Outside Bodies at Part 8.4 of the Constitution has been amended to signpost Charities Commission guidance. The Guidance has also been amended to include a list of relevant charitable bodies, for additional clarity. The proposed wording is attached at Appendix 3.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The Committee or Council could if it wished decide not to implement the changes set out in this Report.

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 The cross-party Constitutional Working Group has considered the proposals and has made the recommendations in this report.

7. CONCLUSION

- 7.1 The proposals reflect the Council's ongoing efforts to review its Constitution to ensure that it is reflective of current practice and priorities and to achieve clarity and increased efficiency. As a result, it is recommended that the proposals in this Report be approved.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 There are not expected to be any significant financial implications arising from the recommendations of this report.

Finance Officer Consulted: James Hengeveld

Date: 14/04/20

Legal Implications:

- 8.2 Policy and Resources Committee and, where specified in this report, full Council have the authority to make the changes to the Council's Constitution which are set out in the report. The intention is for the proposals to be implemented with immediate effect following the decision of the relevant decision-making body, unless expressly stated to the contrary.

Lawyer Consulted:

Victoria Simpson

Date: 12.3.20

Equalities Implications:

- 8.3 The proposals in this report have been reviewed for adverse equalities implications.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1 – Delegations in respect of the Council’s Planning functions (Part 6)

Appendix 2 – Council Procedure Rules (Part 3.2)

Appendix 3 – Guidance for Members and Officers Serving on Outside Bodies (Part 8.4)

Background Documents

None

