

AMENDMENTS TO THE DISTRICT COUNCIL'S CONSTITUTION

Modern Local Government Group – 11 July 2012

Report of the: Deputy Chief Executive & Director of Corporate Resources

Status: For Decision

Also considered by: Council – 24 July 2012

Key Decision: No

Executive Summary: This report outlines two amendments to the Council's Constitution one relating to the number of meetings and one relating to the delegated powers of the Community and Planning Director,

This report supports the Key Aim of Effective Management of Council Resources

Portfolio Holder Cllr. Mrs. Bracken

Head of Service Head of Legal and Democratic Services, Christine Nuttall

Recommendation to Modern Local Government Group and Council : It be RESOLVED that:

MLG agrees and recommends to Council that the amendments outlined in the report be agreed.

Reason for recommendation: To ensure that the Council's constitution reflects current practice and that delegated authority in relation to planning matters can be reviewed in the light of changed circumstances.

Introduction

(1) The Constitution sets out how the Council operates and how decisions are made. It sets out the procedures which are followed to ensure that these decisions are efficient, transparent and that those who make the decisions are accountable to local people.

(2) Some of these procedures are required by law, while others are a matter for the Council to choose. The purpose of the Constitution is to:

- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- support the active involvement of local people in local authority decision making;
- help Members represent local people more effectively;

- enable decisions to be taken efficiently and effectively; and
- hold decision makers to public account.

(3) Part 1, paragraph 2.4 of the Council's constitutions states that except for changes required by statute, changes to the constitution will only be approved by the full Council after consideration of the proposal by the Modern Local Government Group.

(4) At the beginning of the 2011/12 municipal year the Leader of the Council nominated the Chairman and Vice-Chairman of the three Select Committees. This was a departure from the previous practice whereby brief meetings of the Committees would be held immediately after the Annual Council Meeting with five further meeting being held throughout the year. Accordingly, Part 5, paragraph 5 of the Council's Constitution states that 'there shall be at least six ordinary meetings of each Select Committee in each year'. However, as there is now no requirement to have the "business meetings" immediately following the Annual Council Meeting in order to elect the Chairman and Vice-Chairman, the constitution needs to be updated to reflect that there is no longer a requirement to have at least six meetings.

(5) The amendments to the Constitution outlined in **Appendix A** will bring the constitution into line with the new working practice whilst also providing an element of flexibility.

(6) **Appendix B** contains an addition to the Constitution with regards to delegated powers to the Community and Planning Director. The amendment relates to the specific circumstance where planning permission has been refused under delegated powers, an appeal has been lodged and new information has been received that leads Officers to conclude that refusal of permission can no longer be substantiated at appeal. Under these circumstances the matter will be referred back to Members to enable the original delegated refusal to be reviewed.

(7) The need for the proposed amendment arose following a change in circumstances during a recent appeal process and which led the Planning Officer to conclude that the original reason for refusal could no longer be sustained at the appeal.

(8) The revision under consideration has been drafted in consultation with Members and Officers and is intended to strengthen the democratic process for Development Control matters to enable the original delegated refusal to be reviewed.

Key Implications

Financial

(9) The need to review the delegated authority may result in the need for an extraordinary Development Control meeting. This would have a cost implication.

Community Impact and Outcomes

(10) A review of the delegated planning decision could have an impact upon the parties involved.

Legal, Human Rights etc.

- (11) Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review.

Equality

- (12) There are no specific equality implications arising from these proposals. These proposals do not have any particular implications regarding one “protected group” over another.

Conclusions

- (13) Members are recommended to approve the minor amendments to the Constitution which will support the democratic process.

Appendices:

Appendix A: Minor amendment to Part 5 of the Constitution

Appendix B: Changes to delegation to the Community and Planning Services Director

Background Papers:

Sevenoaks District Council Constitution

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