

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

20 February 2008

Report of the Monitoring Officer

Part 1- Public

Matters For Decision

1 UPDATES TO THE CONSTITUTION

1.1 Introduction

1.1.1 Article 15 in Part 2 of the Constitution sets out the procedure for review and revision of the constitution. Changes to the Constitution may only be approved by the full Council after consideration of a report on the proposal from the Council's Monitoring Officer. In preparing the report, the Monitoring Officer is required, amongst other things, to compare practices in this authority with those in other comparable authorities and national examples of best practice (where appropriate). He is also required to consult the Council's other statutory officers, the Head of Paid Service and the Chief Financial Officer, which I have done in respect of the proposals contained in this report.

1.2 Disability Working Party

1.2.1 At its meeting on 5 February 2008, the Cabinet received the minutes of the Community Development Advisory Board, which recommended that the Council be requested to discontinue the Disability Working Party (Cabinet Decision Notice D080024MEM refers). If Council accepts that recommendation it will be necessary to delete the reference to the Disability Working party from Part 3 of the Constitution.

1.3 CTRL Simplified Planning memorandum

1.3.1 At its meeting on 16 January 2008, the Cabinet accepted a recommendation from the Planning and Transportation Advisory Board that the current arrangements whereby all decisions on submissions under the Simplified Planning Memorandum in respect of the Channel Tunnel Rail Link are delegated to the Director of Planning, Transport and Leisure continue in place under the revised Simplified Planning Memorandum (Cabinet Minute No. CB 08/006).

1.3.2 The existing delegation has not been recorded in the Council's Constitution and it is recommended that the following addition delegation by included:

DPT 124 To determine submissions under the Simplified Planning Memorandum C
in respect of the Channel Tunnel Rail Link

1.4 Article 10 and 10A Consultations

1.4.1 In dealing with the previous matter, it has been noted that dealing with Article and 10A consultations have not been recorded as being delegated to the Director of Planning, Transport and Leisure, although Articles 10 and 12 are delegated. Article 10A deals with development on Crown land. It is, therefore, recommended that this situation should be regularised by the amending delegation DPT 100.24 as follow:

DPT 100.24 within the categories delegated to the Director of Planning, Transport and Leisure, to respond to consultations under Articles 10, 10A and 12 C
of the Town and Country Planning (General Development Procedure) Order 1995 (Consultations before the grant of planning permission) by the Kent County Council, by neighbouring planning authorities or by the Secretary of State.

1.5 Independent members of the Standards Committee

1.5.1 At its meeting on 31 January 2008, the Interview Panel for Appointing Independent Members of the Standards Committee recommended that the number of Independent members serving on the Standards Committee and the Town and Parish Councils Standards Sub-Committee should be increased from four to five, for the reasons given in their Report, which is on this agenda. If the Council agrees that recommendation it will be necessary to make the appropriate changes to the Council's Constitution.

1.6 Officer Code of Conduct

1.6.1 Under the Code, Officers should only accept offers of hospitality if there is a genuine need to impart information or represent the authority in the community. Officers are required to record offers of hospitality in the register kept in the Chief Executive's office. From early 2002 the Chief Executive introduced a requirement that declarations are to include offers made and refused as well as accepted, but the code has not been updated to reflect this by including the words shown in bold type at the end of paragraph 12.1 of the code:

"Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. It should be properly authorised **by your Chief Officer. All offers of gifts or hospitality, whether accepted or refused, should be** recorded in the hospitality book kept in the Chief Executive's office **using the prescribed form.**"

1.7 Legal Implications

1.7.1 None

1.8 Financial and Value for Money Considerations

1.8.1 None

1.9 Risk Assessment

1.9.1 Not applicable

1.10 Policy Considerations

1.10.1 None applicable.

1.11 Recommendations

1.11.1 It is recommended that the Council's Constitution be altered to reflect:

- 1) Subject to agreement by Council, the discontinuance of the Disability Working Party;
- 2) The additional delegations to the Director of Planning, Transport and Leisure in respect of the Simplified Planning Memorandum and Article 10 and 10A consultations;
- 3) Subject to agreement by Council, the number of independent members of the Standards Committee and the Town and Parish Councils Standards Sub-Committee be increased from four to five;
- 4) The Officers' Code of Conduct be amended as set out in this report;
- 5) The Monitoring Officer be authorised to make any necessary consequential amendments.

Background papers:

contact: Duncan Robinson

Nil

Duncan Robinson
Monitoring Officer