

Council

18 February 2025

Part 1 - Public

Matters for Decision



Cabinet Member	Matt Boughton, Leader of the Council
Responsible Officer	Adrian Stanfield, Monitoring Officer
Report Author	Adrian Stanfield, Monitoring Officer

Changes to constitution

1 Summary and Purpose of Report

- 1.1 This report recommends that changes are made to Part 3 of the Council's constitution in respect of the terms of reference for Area Planning Committees and the General Purposes Committee.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 The proposals in this paper will contribute to the above priority area by ensuring that the Council's constitution remains up to date and that decisions are taken by the appropriate body of members.

3 Recommendations

- 3.1 Members are requested to agree to the changes to Part 3 of the constitution set out at Annex 1.

4 Introduction and Background

- Terms of reference for the Area Planning Committee
- 4.1 On 24 October 2023 Council agreed to amend rule 15.25 of the Committee Procedure Rules at Part 4 of the Constitution in 2 respects, to deal with the situation where an Area Planning Committee is minded to determine a planning application in a way or on grounds which the Director of Planning, Housing and Environmental Health does not consider can be substantiated.
- 4.2 One of the proposed amendments related to the costs report prepared by the Director of Central Services & Deputy Chief Executive and recommended that

15.25 be amended to provide that if the Director of Central Services and Monitoring Officer's report indicates that there is likely to be a risk of significant costs being awarded against the Council at any appeal, or a potential liability to pay compensation, the committee may not determine the application in a manner contrary to the advice set out in the report, and a resolution by the committee to make such a determination will be a recommendation only and the application shall stand adjourned to Council for determination.

4.3 I have noted that the current Terms of Reference for the Area Planning Committees are inconsistent with rule 15.25 of the Committee Procedure Rules as they still reflect the position prior to the changes agreed by Council on 24 October 2023 i.e. they refer to a '*significant risk of costs*' rather than a '*risk of significant costs*'. To ensure that all parts of the constitution are aligned with the decision taken by Members in October 2023 it is therefore proposed to amend the Terms of Reference as set out at Annex 1. The proposed wording is identical to that in rule 15.25.

- Terms of Reference for the General Purposes Committee

4.4 The current terms of reference for the General Purposes Committee provide that the functions of the Committee shall include the discharge of all matters relating to the Council's responsibility as an employer, including all functions relating to local government pensions etc, which are not the responsibility of the Executive. This includes agreeing the annual pay award to staff.

4.5 Allowances payable to Members, including those for Mayor and Deputy Mayor are uprated in line with any increases in the remuneration of staff. This link between Member allowances and the staff pay award was agreed by Council on 11 July 2023.

4.6 Given the significant financial implications that flow from the staff pay award, and its specific link to any increase in the rate of Member allowances, it is therefore proposed that the annual determination of this award should be a matter for all Members via full Council, following initial consideration by General Purposes Committee.

4.7 The proposed amendments to Part 3 of the constitution are set out in Annex 1.

5 Other Options

5.1 The other option considered was to make no changes to the existing terms of reference. For the reasons set out in this report that option is not recommended.

6 Financial and Value for Money Considerations

6.1 None arising from the proposals in this paper.

7 Risk Assessment

- 7.1 The proposed amendments to the terms of reference for Area Planning Committee will minimise risk associated with the operation of the Constitution as they seek to ensure that the provisions remain consistent throughout. The proposed amendment to the terms of reference for the General Purposes Committee will ensure that full Council retains ultimate responsibility for financial decisions on pay awards to staff and allowances payable to Members.

8 Legal Implications

- 8.1 Article 10 of the Constitution sets out the procedure for review and revision of the Constitution. Except in specified circumstances, changes to the Constitution may only be approved by full Council after consideration of a report on the proposal from the Council's Monitoring Officer.

9 Consultation and Communications

- 9.1 If agreed, the amended constitution will be published on the Council's website.

10 Implementation

- 10.1 If agreed, the changes will take effect immediately.

11 Cross Cutting Issues

11.1 Climate Change and Biodiversity

- 11.1.1 Limited or low impact on emissions and environment.

- 11.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

11.2 Equalities and Diversity

- 11.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background Papers	None
Annexes	Annex 1 – Amendments to Part 3 of the Constitution