

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 29 MARCH 2011

Title:

PROPOSED CHANGES TO THE CONSTITUTION

**[Portfolio Holder: Cllr Robert Knowles]
[Wards Affected: All]**

Summary and purpose:

A meeting of the Constitution Special Interest Group took place on 16 February 2011 where it considered a series of reports proposing changes to the constitution. These changes are now summarised within this report for consideration by the Executive.

How this report relates to the Council's Corporate Priorities:

The proposed changes can contribute to more effective and decisive decision-making which is relevant to all corporate priorities.

Equality and Diversity Implications:

There are no equality and diversity implications arising from this report.

Climate Change Implications:

There are no climate change implications

Resource/Value for Money Implications:

By reducing the membership of the Joint Planning Committee, there would be reduced meeting and travel expenses. In terms of reducing the number of Overview and Scrutiny Committees from 3 to 2, there would be a saving of £2,610 per annum which is currently payable as Special Responsibility Allowances to the Chairman (£2,085) and Vice-Chairman (£525) of each Committee in terms of Members' Allowances.

Legal Implications:

The Council must adopt a revised constitution before the new Leader and Executive model comes into effect after the elections on 5 May 2011. The Local Government Act 2000 requires the Council to prepare, keep up to date and publicise a Constitution, as well as having at least one Overview and Scrutiny Committee in place.

Background

1. The Constitution SIG considered reports on the following issues:-
 - a. Overview and Scrutiny Committees
 - b. Scheme of Delegation
 - c. Joint Planning Committee
 - d. Strong Leader Amendments.
2. The proposed changes are summarised below, and all associated amendments to the constitution, should they be agreed, are set out in Annexe 1.

Overview and Scrutiny Committees

3. Waverley moved from the committee system to Executive arrangements in 2001. This required the establishment of an Executive and an Overview and Scrutiny Committee structure.
4. At the time of introducing the new arrangements, it was unknown as to how much of a workload would fall to the Overview and Scrutiny Committees and it was agreed that by setting up three Committees, there would be a role for most backbenchers (who were not appointed to the Executive). Waverley's structure is unusual as most similar Councils have only one or two Committees.
5. More recently there have been occasions when there has been an overlap of business resulting in a duplication of work for the Committees and it is suggested that it could be more productive and efficient to reduce down to two. Also, because of the pace of change in local government, it is often necessary to convene special meetings and the calendar of meetings is currently very congested with three Overview and Scrutiny meetings every cycle. It is proposed that the two Committees have the following terms of reference, with the two current service-based Committees (Community and ELOS) merging to create a Services Committee and Corporate remaining the same:-

| Services | Corporate |
|---|--|
| <ul style="list-style-type: none">• Provision of housing services and community welfare• Older people in the community• Day centres• Community safety• Town and village liaison• Rural issues and the voluntary sector• Environment• Planning and major developments | <ul style="list-style-type: none">• Corporate Finance• Any inspection framework in place• Value for Money• Corporate and Community Strategies• Partnership Working• Member Communications• Asset Management• Information Technology, including telecommunications |

| | |
|---|---|
| <ul style="list-style-type: none"> • Economic development • Land drainage • Business liaison • Cultural and leisure provision and youth | <ul style="list-style-type: none"> • HR including Waverley Training Services • Corporate Communications and Public Relations • Customer Service • Co-ordinating and publishing information on service performance • Elections and electoral registration • Locality Offices |
|---|---|

6. Should the Council be minded to approve the reduction to two Overview and Scrutiny Committees, this can be in place before the Annual Council Meeting on 17 May 2011 so that groups will only need to appoint to two Committees. It is proposed that each Committee has 15 members appointed to it, along with up to 3 substitutes per group.
7. The Constitution sets out that "in the event of a single party Executive, the Chairmen of the Overview and Scrutiny Committees should be nominated by the largest minority group on the Council". It is proposed that the following wording be added, "**subject to the total number of Opposition member on the Council exceeding 10% of the overall membership**" (in the current composition of the Council, this would equate to 6 members). Best practice suggests having at least one Committee chaired by the largest minority group.
8. Attached as Annexe 2 to this report is the proposed Calendar of Meetings for 2011-12 which now includes the dates of the two Overview and Scrutiny Committees.

Scheme of Delegation

9. The Scheme of Delegation, attached as Annexe 3, has been amended to pick up job title changes resulting from recent changes to the management structure. The Head of Planning has also taken the opportunity to review the delegations to the Planning Section and there is one additional issue that has arisen recently which would benefit from having a provision in the Scheme relating to issuing a formal caution. Some wording has been included in the Annexe.
10. It is also proposed that in future, the Chief Executive be authorised to make appropriate amendments to job titles within the Scheme of Delegation.

Joint Planning Committee

11. The Area Planning Committees were reintroduced in May 2008 and at the same time a Joint Planning Committee was constituted whose membership consisted of all members of the four Area Planning Committees, totalling 48 members. The Area Committees are not Sub-Committees of the Joint Committee.

12. The current composition of the Area Planning Committees is as follows:-
 - Central Area (14 members) (13+1)
 - Eastern Area (12 members) (11+1)
 - Southern Area (11 members) (10+1)
 - Western Area (15 members) (14+1)
13. When established, the Committees were set up in paired groups so that Central and Eastern (Eastern Group) and Southern and Western (Western Group) shared the same Chairman and Vice-Chairman, one being selected from each Area.
14. In the interest of improved efficiency in decision-making, it is proposed that the size of the Joint Planning Committee should be reduced from 48 members whilst still keeping the principle of members from each Area Committee combining to create the Joint Planning Committee.
15. It is proposed that the membership of the Joint Planning Committee from each of the Area Committees should be halved (rounded down) and consist of the following:-
 - Central Area (6 members)
 - Eastern Area (5 members)
 - Southern Area (5 members)
 - Western Area (7 members)
16. This would create a Joint Planning Committee of 23 members which would come into force after the Annual Council Meeting in May 2011.
17. Meetings of the Joint Planning Committee (JPC) are called on an ad hoc basis, but for 2011-12, provisional dates have been included in the Calendar of Meetings so that members have prior notice of when a meeting may take place.
18. The constitution currently states that the following items will be considered by a Joint Planning Committee rather than an Area Planning Committee:-
 - a. Make decisions on the administrative and procedural matters affecting the processing of applications. e.g. report formats, information specifications etc.
 - b. Most major schemes, which are of strategic importance to the Council. e.g. East Street, which are to be decided by the Chief Executive in consultation with the Head of Planning, after discussion with the Area Planning Committee Chairman.
19. To ensure that it is clear to members why a JPC is required to consider a particular matter and to give members an opportunity to make representations that an application should go to a JPC, it is proposed that the following additional wording be included in the constitution:-

- "a. As paragraph 18a. above; (delete existing b. and insert new b. and c. below):
- b. Applications defined as major, as defined by the Government (10 or more units of residential accommodation, more than 1,000 sqm commercial floorspace and site area of more than 1 hectare)
- and which, in the judgement of the Chief Executive, after consultation with the Head of Planning and the appropriate Area Planning Committee Chairman, meet the following criteria
- i. have a significant planning impact beyond the Area in which they are situated, and/or
 - ii. are of strategic importance, and/or
 - iii. involve new planning issues for the Borough; or
- c. Where within three weeks of the application appearing on the Waverley weekly list of planning applications, the Chairman and Vice-Chairman of the Area Planning Committee and a ward member request that it be referred to the Joint Planning Committee and put forward relevant grounds as set out in b (i) to (iii) above, the Chief Executive and Head of Planning will normally submit the application to the Joint Planning Committee."

Strong Leader Amendments

20. At a special meeting on 14 December 2010, the Council adopted a new Leader and Executive model, as required by the Local Government and Public Involvement in Health Act 2007. This model comes into effect after the Council elections on 5 May 2011. As a result of the new model, a number of changes need to be made to the Executive decision-making arrangements within the Constitution and these are summarised in the table below:-

| Section of the Constitution | Proposed Change(s) |
|--|---|
| Part 1 | |
| Summary and Explanation | <ul style="list-style-type: none"> ➤ Amendments reflecting new executive arrangements ➤ Reference to Petition Scheme |
| Part 2 | |
| Article 4 – The Full Council | <ul style="list-style-type: none"> ➤ Amendments reflecting new executive arrangements |
| Article 7 – The Executive | <ul style="list-style-type: none"> ➤ Details of appointment of Leader, Deputy Leader and other members of the Executive and provisions for their removal |
| Part 3 – Responsibility for Functions | <ul style="list-style-type: none"> ➤ Amendments relating to Leader and Executive members. |

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| Part 4 – Procedure Rules | |
| Council Procedure Rules | <ul style="list-style-type: none"> ➤ Inclusion of new petition scheme requirements to Section 10 ➤ Amendments relating to appointment of Leader |
| Access to Information Procedure Rules | <ul style="list-style-type: none"> ➤ Minor amendments to assist decision-making |
| Executive Procedure Rules | <ul style="list-style-type: none"> ➤ Minor amendments reflecting current practice with regards to reports |

21. Those pages of the revised constitution which have been amended are attached as Annexe 1, showing the proposed changes as 'track changes'.

Recommendation

It is recommended to the Council that

1. the amendments relating to the Strong Leader Model, as summarised in the table at paragraph 20 and incorporated in Annexe 1, be agreed; and
 2. the number of Overview and Scrutiny Committees be reduced from three to two, to be implemented with effect from May 2011;
 3. the remit of the two Overview and Scrutiny Committees be as set out in paragraph 5 above;
 4. the membership of each Overview and Scrutiny Committee to consist of 15 members, with up to 3 substitute members per group;
 5. the revised Calendar of Meetings for 2011/12, including the dates of the Overview and Scrutiny Committees, be approved;
 6. the revised Scheme of Delegation be approved, as set out in Annexe 3;
 7. the Chief Executive be authorised to make appropriate amendments to job titles within the Scheme of Delegation in future;
 8. the Joint Planning Committee consists of 23 members, to be made up from members of the four Area Planning Committees, as set out in paragraph 15 of the report, to come into effect in May 2011;
 9. the criteria for matters to be considered by the Joint Planning Committee be amended to that set out in paragraph 19; and
 10. the other proposed changes to the Constitution, as set out at Annexe 1, be adopted and the Constitution amended accordingly.
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Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICER:

Name: Emma McQuillan **Telephone:** 01483 523351
E-mail: emma.mcquillan@waverley.gov.uk