

REVIEW OF THE CONSTITUTION

PROPOSED AMENDMENTS TO THE CONSTITUTION 2004/05

Matter	Amendment
<p><b>Head of Planning Referrals</b></p>	<p>1. The referral power set out at SO 9.1.2.1 be redrafted to also allow the Head of Planning Services to:</p> <ul style="list-style-type: none"> <li>(i) refer applications which have been considered by the relevant Area Planning Sub-Committee where that Area Planning Sub-Committee is minded to make a decision which is contrary to the officer recommendation and which, in the opinion of the Head of Planning Services, should be considered at a strategic county-wide level; and</li> <li>(ii) not refer applications which have been considered by the relevant Area Planning Sub-Committee where that Area Planning Sub-Committee are minded to make a decision which is contrary to officer recommendation and which are likely to be the subject of a call-in for the Secretary of State.</li> </ul>
<p><b>Planning Committee Scheme of Delegation to incorporate Referral Procedure</b></p>	<p>2. That the referral procedure set out at Appendix 4 be agreed and included with the Planning Committee Scheme of Delegation to Officers within Appendix 18 of the Constitution.</p>
<p><b>Planning Code of Conduct</b></p>	<p>3. Paragraph 39 of the Planning Code of Conduct (Appendix 13 of the Constitution) be amended in the light of recent case law as follows:</p> <p style="padding-left: 40px;">You must take no part in the determination of the application. You must declare a prejudicial interest and leave the meeting and not seek to influence any decision made. <del>You may, however, appoint an agent who can speak subject to Standing Order 5.11 (Public speaking at meetings of Planning Committee and Area Planning Sub-Committees) on your behalf.</del></p> <p>4. Tidying up amendments be made to paragraphs 25, 26, 36 and 37 of the Planning Code of Conduct, as follows:</p> <p style="padding-left: 40px;">“Material Submitted to Committee</p> <p>25 If you receive material from or on behalf of an applicant or third party in connection with an application before a Committee you should establish from the Planning Officers whether the material has been received by them. If it has not, you should make it available as soon as possible to the Planning Service.</p> <p>26 Relevant documents in connection with an application should all be dealt with in the officer’s report on Committee.</p>

REVIEW OF THE CONSTITUTION

	<p>Any additional information received after the preparation of that report up to 17.00 hours on the day before the Committee meeting will also be brought to the attention of the Committee <u>if they raise new and relevant material planning matters</u>. Papers received after that <del>time</del> will normally be discounted, since time will not be available to check their accuracy or to give consideration to their implications.</p> <p>Non Members of Planning Committee Attending Meetings</p> <p>36 You may attend meetings of the Council’s Planning Committees even if you are not a member <u>unless you have a prejudicial interest</u>. You may speak but not vote on items under the procedures laid down in the Constitution. When you attend any Planning Committee, you should not sit in the public gallery, but in the place reserved in the Committee room for Members of the Council who are not Members of the Planning Committee. When you speak at the meeting, either the Chairman of the Committee in calling upon you to speak or you in speaking should make it clear upon what basis you are taking part in the meeting, and that you have no right to vote on the application concerned. The rules on declaring interests set out at paragraphs 27-30 of this Code apply at all times.</p> <p>Decisions Contrary to Officer Recommendations or to Development Plan Policies</p> <p>37 From time to time, there will be occasions when you or the Committee of which you are a Member disagree with the professional advice on an application given by the Head of Planning Services. In such cases the reasons for differing from the professional advice received should be specified in the resolution of the Committee, along with the reasons for refusing an application recommended for approval or the conditions to be imposed on any approval in a case recommended by officers for refusal. The same provisions apply to decisions taken contrary to Development Plan policies. <del>Decisions of Area Sub Committees which depart from the Council’s Planning Policy or raise critical policy issues</del> <u>These cases will be referred to the Head of Planning Services for decision consideration as to whether the decision on the application in question should be referred to the main Planning Committee for further comment determination in accordance with the Council’s Constitution.</u>”</p>
<p><b>Supplementary Planning Guidance</b></p>	<p>5. Approval of Supplementary Planning Guidance issued by the Council be added to the Terms of Reference of both the Planning Committee (at SO 9.1.2) and the Cabinet Member (Environment) (at SO 6.10.1.1)</p>
<p><b>Formal Questions at Council</b></p>	<p>6. The following revisions be made to Standing Order 4.25.1:</p> <p>(a) “You may, as long as a copy of the question is deposited in writing or by e-mail with the County Secretary and Solicitor (or his/her nominated officer) by no later than 10.30am on the last working day before the relevant Council meeting, ask a Cabinet Member or Committee Chairman a question relevant to a matter in relation to which the Council has powers or duties or which affects the County; any such questions to be asked in accordance with the</p>

REVIEW OF THE CONSTITUTION

	<p>provisions of Standing Order 4.13.</p> <p>(b) Where the Chairman believes that a reply to a question can more conveniently be given by the relevant Cabinet Member or Committee Chairman as part of a report before Council elsewhere on the agenda, the Chairman shall rule that the question be put as part of that report at the appropriate time.”</p>
<b>General Employment of Officers and Employees</b>	<p>7. Standing Order 12.13 be added to clarify the role of Members, as follows:</p> <p>“12.13 General Employment</p> <p>The function of recruitment, selection and dismissal of officers will be discharged, on behalf of the Council, by the Chief Executive, as Head of Paid Service, or by an officer nominated by him/her in accordance with the requirements of Appendix 6.”</p>
<b>Appointment and Discipline of Staff</b>	<p>8. The amendments to Appendix 6 of the Constitution as shown in Appendix 1 to this Annex be approved.</p>
<b>Employee Appeals Panel</b>	<p>9. Standing Order 25.1.2 be revised as follows:</p> <p>No Member of the Cabinet should hold a seat on a Committee, other than the Planning Committee, the appropriate Area Planning Sub-Committee, the Appointments Committee and the Employee Appeals Panels, but may serve on the Voluntary Sector Grants Panel and, as appropriate, other bodies established to carry out executive functions.</p>
<b>Local Area Forums (LAFs)</b>	<p>10. Part 10 of the Constitution be revised as set out in Appendix 2 to this Annex and that the reference to LAFs be deleted in Appendix 20 “Membership of Area Based Bodies”.</p>
<b>Independent Remuneration Panel</b>	<p>11. The current membership of the Independent Remuneration Panel be continued for a further three year period and the relevant individuals or their nominees or successors be invited to serve at the appropriate time to ensure continuity and to reflect the requirements of the legislation and Appendix 15 of the Constitution be revised to include these details.</p>
<b>Definition of Budget</b>	<p>12. The definition of the “Budget” at Standing Order 4.1.3 be amended to include “investments”; and Regulation 13.2 of the Council’s Financial Regulations be amended as follows:</p> <p>“The investment or utilisation of capital money in hand or other accumulations, including trust money, and the sale or</p>

REVIEW OF THE CONSTITUTION

	realisation of all investments shall be carried out by the County Treasurer in accordance with such policy as the Council shall determine.”
<b>Policy Framework – Renewal of Housing Investment Programme</b>	13. The Housing Investment Programme be removed from the Policy Framework and its approval be added to the terms of reference of the Cabinet Member (Social Care and Strategic Housing).
<b>Regulatory Sub-Committee</b>	14. Standing Order 9.3.3 be amended as follows:  “9.3.3.2 Composition  The Regulatory Sub-Committee will consist of three Councillors drawn from the membership of the Regulatory Committee.”
<b>Programme Panels</b>	15. That Programme Panels not be re-instated but that the future development of the role of the Scrutiny Committees be explored as part of the annual review of scrutiny and consideration be given to incorporating significant issues in the relevant committees’ work programme with a view to involving members in issues of local interest.
<b>Cabinet and Scrutiny Portfolios for Children</b>	16. An existing Cabinet Member be designated lead member for Children’s Services on an interim basis with the following additional functions: <ul style="list-style-type: none"> <li>• Functions conferred on or exercisable by the Council as Local Education Authority.</li> <li>• Functions conferred on or exercisable by the Council and social services functions so far as those functions relate to children.</li> <li>• Functions conferred on the Council in relation to children formally in the Council’s care.</li> <li>• The new functions of establishing new children’s services.</li> <li>• Any functions exercisable by the Council on behalf of any NHS body so far as those functions relate to children.</li> </ul> 17. The Strategic Monitoring Committee take responsibility for monitoring the Cabinet’s response to the Children’s Bill and this be added to the Committee’s terms of reference within the Constitution.
<b>Farmers Markets</b>	18. Responsibility for Farmers’ Markets transfers from the Cabinet Member (Economic Development, Markets and Property) to the Cabinet Member (Rural Regeneration and Smallholdings).
<b>Revenue and Benefit, WMS and General Procurement</b>	19. Responsibility for the revenues and benefits service, purchasing and joint arrangements with West Mercia Supplies and arrangements for the procurement of goods and services for the Council transfers from the Leader to the Cabinet

**REVIEW OF THE CONSTITUTION**

<b>of Goods and Services</b>	Member (Human Resources and Corporate Support Services);
<b>Health Scrutiny Joint Committees</b>	<b>20.</b> The County Secretary and Solicitor be authorised to agree, in consultation with neighbouring authorities, a general set of rules governing the formation of any joint committee, in consultation with Group Leaders.
<b>Financial Regulation and Associated Amendments</b>	<b>21.</b> that:  (a) the terms of reference of the Statutory Accounts Committee be amended to read “To approve the Council’s accounts and associated reports each year”; and  (b) the revised Financial Regulations as attached at Appendix 3 to this Annex be approved.