

Report of Head of Legal and Democratic Services and Monitoring Officer

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To: COUNCIL

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Review of the council's constitution

Recommendations

That Council:

1. agrees to include a three minute restriction on the length of each public question or statement at the Scrutiny, Joint Audit and Governance, General Licensing, Licensing Acts and Joint Staff Committee;
2. agrees that at special meetings questions and statements from members of the public must relate to the item due to be discussed;
3. to amend delegation 1.6 to the head of planning as set out in paragraph 6 of this report;
4. to include the delegation to the relevant head of service in respect of the council's grants policy in the council's constitution (paragraph 7 of this report);
5. to authorise the head of legal and democratic services to amend the council's officer employment procedure rules as set out in paragraph 11 of this report;
6. authorises the head of legal and democratic services to make any minor or consequential amendments to the constitution for consistency and to reflect the councils' style guide.

Purpose of Report

1. To consider proposed amendments to the council's constitution.

Strategic Objectives

2. The constitution underpins all of the council's areas of activities and, therefore, contributes to the achievement of all its strategic objectives.

Background

3. A full constitution review was undertaken and a revised constitution agreed by Council at its meeting in December 2016 in pursuance of the requirements of Section 37 of the Local Government Act 2000 to keep the constitution under review. This report addresses matters of clarification and consistency that have arisen since then.

Public speaking

4. At its meeting in December 2016 Council agreed to include provision for members of the public to ask a question, make a statement or present a petition for a period of 15 minutes at Council, Cabinet and committee meetings (with regulatory committees having their own rules). Council agreed that each question or statement should be restricted to three minutes with no provision for a supplementary question. In drafting the revised constitution this provision was not included in the rules for Scrutiny, Joint Audit and Governance, General Licensing, Licensing Acts and Joint Staff Committee. Officers recommend that this oversight is addressed to provide consistency across the committees. Specific rules for Planning Committee and the committees dealing with grant applications will not be altered.

Public involvement at special committee meetings

5. Under the Council procedure rules there is no provision for members of the public to ask a question or make a statement at a special meeting which does not relate to the item due to be discussed at that meeting. Officers recommend that this provision is extended to all committees to protect the special status of a meeting called for a specific purpose.

Head of planning delegations

Delegation 1.6

6. The wording of this delegation requires updating to reflect the latest legislation. It currently refers to the GPDO 1995 and should refer to 2015 and the wording should refer to notifications rather than applications.

Grants policy

7. On 30 March 2017 Councillor Elaine Ware, Cabinet member for housing, environmental health and grants, took a decision to amend the capital and new homes bonus grant policies. Part of the decision was to dispense with area committee meetings if:
 - we only receive three or fewer eligible applications;
 - the combined total of the applications is £10,000 or less;
 - the requests do not exceed the available budget

and to authorise the head of service with responsibility for grants to make the award decisions in consultation with the Chairman of the relevant committee.

8. The review group is asked to agree that this delegation is included in the council's constitution.

Political assistants to Political Groups

9. Under section 9 of the Local Government and Housing Act 1989, a local authority may appoint up to three assistants for political groups, subject to specific conditions including their remuneration. Where the number of groups entitled to a political assistant exceeds the legislative provisions Council must determine to which group(s) the political assistant should be allocated. The key features of this statutory provision are as follows:
 - the appointment is described as being “for the purpose of providing assistance, in the discharge of any of their functions as members of a relevant authority, to the members of any political group to which members of the authority belong”;
 - a Council may only have a maximum of three such posts at any given time, but appointments can only be made if posts are allocated to all of the groups who qualify;
 - the posts are fixed term and run until the Annual Meeting following an election (i.e. approximately four years).
10. A Council cannot make an appointment to a post allocated to any political group unless it has also allocated a post to all of the political groups which qualify. The appointment of a political assistant is the responsibility of the political group the assistant will serve. A political group does not have to take up the offer. Political assistants undertake work for the relevant political group.
11. Although Vale of White Horse District Council does not currently have political assistants there is currently no constitutional provision to allow Council to do so in the future. In light of this and to meet the statutory requirements to have these provisions within the constitution Council is recommended to approve the proposed changes set out below to the officer employment procedure rules.

Political Assistants to Political Groups

The Local Government and Housing Act 1989 enables Councils to create not more than three posts of Assistants to Political Groups.

- No such appointment shall be made until the Council has allocated such a post to each political group, which qualifies for one under The Local Government and Housing Act 1989.
- No such appointment shall be made in respect of any political group, which does not qualify for one under The Local Government and Housing Act 1989.
- Not more than one post shall be allocated to any political group.
- The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.
- Assistants to Political Group posts are responsible to the head of paid service as a member of staff.

- Disciplinary action and dismissal of an assistant to a political group shall be undertaken by the Chief Executive or an officer designated for that purpose by the Chief Executive.

Financial Implications

12. The democratic services budget for printing will meet the costs of producing copies of the amended constitution.

Legal Implications

13. Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review.

Conclusion

14. This report sets out proposals to amend the constitution. Officers and the The Joint Constitution Review Group recommend Council to approve the proposed changes for implementation from 22 May 2017.

Background Papers

None