

10 April 2019

Dear Members

### **Council Meeting**

I hereby give notice that a meeting of the Council will be held in the Council Chamber, County Buildings, Martin Street, Stafford on **Thursday 18 April 2019 at 7.00pm** to deal with the business as set out on the agenda.



Tim Clegg  
Chief Executive

**COUNCIL MEETING - 18 APRIL 2019**  
**MAYOR, COUNCILLOR RAY BARRON**

**A G E N D A**

- 1 Approval of the Minutes of the last Meeting of the Council held on 26 February 2019, as previously circulated.
- 2 Apologies for Absence
- 3 Declarations of Interest
- 4 Announcements (Paragraph 3.2(iii) of the Council Procedure Rules)
- 5 Public Question Time - Nil
- 6 Councillor Session

- (a) Councillor R J Draper has submitted the following items under Paragraph 12.3(a) of the Council Procedure Rules:-

Cabinet Member for Community

Is the Cabinet Member aware that the Community Security Trust (CST) works closely with the police to protect Jewish communities against, and to monitor, antisemitism? Is he also aware that in 2016 the CST reported that there were 1309 incidents of anti-Semitism within the UK?

Can he tell me what work he has been involved with, and with key agencies like the CST and Staffordshire Police, to ensure that Jewish residents from our communities are safe and secure from hatred?

Will he, and all members of the Council, join me in opposing anti-Semitism and racism both in thought and deed? Being prepared to challenge those who continue to pervade the oldest sickness in the world?

- (b) Councillor R J Draper has submitted the following item under Paragraph 12.3(b) of the Council Procedure Rules:-

Member Development Committee

During the 2018/2019 municipal year the Member Development Working Group has made significant progress, and as Chair of that working group, I request that the Leader of the Council confirm that, under his leadership, Member Development will remain a priority and that he will constitute it as a full committee for the 2019/2020 municipal year.

7 Notice of Motion - Nil

A Notice of motion pursuant to Paragraph 13.1 of the Council Procedure Rules has been proposed by Councillor R J Draper and seconded by Councillor J Hood as follows:-

International Holocaust Remembrance Alliance definition of Antisemitism  
Stafford Borough Council agrees on April 18th 2019 to demonstrate its support and recognition of the International Holocaust Remembrance Alliance's definition of anti-Semitism, and pledges to combat antisemitism and all forms of racism and intolerance in their various forms on behalf of all citizens within the Borough.

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8 Review of the Constitution	4 - 10
9 Any items Referred from Scrutiny Committee(s)	-

**Chief Executive**

Civic Centre  
Riverside  
Stafford  
ST16 3AQ

**ITEM NO 8****ITEM NO 8**

<b>Report of:</b>	<b>Head of Law and Administration</b>
<b>Contact Officer:</b>	<b>Alistair Welch</b>
<b>Telephone No:</b>	<b>01785 619204</b>
<b>Ward Interest:</b>	<b>Nil</b>
<b>Report Track:</b>	<b>Council 18/04/19 (Only)</b>

**COUNCIL**  
**18 APRIL 2019**  
**Review of the Constitution**

**1 Purpose of Report**

- 1.1 The purpose of this report is to present Council with details of the proposed amendments to the Constitution as recommended by the Resources Scrutiny Committee.

**2 Recommendation**

- 2.1 That the amendments to the Constitution as detailed in the **APPENDIX** be approved for implementation in the new Municipal year.
- 2.2 That Rule 5.2 of the Council Procedure Rules which restricts Members to serving no more than four consecutive years on the Planning Committee, be suspended for one year until May 2020.

**3 Key Issues and Reasons for Recommendation**

- 3.1 Article 15.1 of the current Constitution requires the Monitoring Officer to review the Constitution on an annual basis.
- 3.2 Accordingly, the Resources Scrutiny Committee commissioned a Task and Finish Review Working Group to undertake a Review of the Constitution.
- 3.3 The Constitution Task and Finish Review Working Group recommended a number of amendments to the Constitution during the course of their review, which were subsequently endorsed by the Resources Scrutiny Committee.
- 3.4 Council are therefore requested to approve the amendments to the Constitution as detailed in the **APPENDIX** for implementation in the new Municipal year.

- 3.5 Council are also recommended to suspend Rule 5.2 of the Council Procedure Rules which restricts Members to serving no more than four consecutive years on the Planning Committee, for one year until May 2020.

#### **4 Relationship to Corporate Priorities**

- 4.1 The Constitution supports all of the Council's Corporate Priorities.

#### **5 Report Detail**

- 5.1 Attached as an **APPENDIX** is a list of all of the amendments to the Constitution that the Resources Scrutiny Committee has recommended following their Review. The column on the left refers to the part of the Constitution that has been suggested for amendment and the column on the right refers to the actual amendment itself.
- 5.2 During the course of their review, the Resources Scrutiny Committee identified that under the current arrangements, a large proportion of the Members of the Planning Committee were due to retire from the Committee as they had served for four consecutive years. In order to address this issue, the Committee have recommended that Rule 5.2 of the Council Procedure Rules which restricts Members to serving no more than four consecutive years on the Planning Committee, be suspended for one year until May 2020.
- 5.3 The Head of Law and Administration will arrange for any subsequent additional unforeseen technical amendments to be made to the Constitution.

#### **6 Implications**

6.1	<b>Financial</b>	Nil
	<b>Legal</b>	Nil
	<b>Human Resources</b>	Nil
	<b>Human Rights Act</b>	Nil
	<b>Data Protection</b>	Nil
	<b>Risk Management</b>	Nil

6.2	<b>Community Impact Assessment Recommendations</b>	<p>The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-</p> <p>Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
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**Previous Consideration - Nil**

**Background Papers - File available in Law and Administration**

<b>APPENDIX</b>
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<p><b>COUNCIL</b>  <b>18 APRIL 2019</b>  <b>Review of the Constitution</b></p>
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**AMENDMENTS TO THE CONSTITUTION**

<b>PART OF THE CONSTITUTION</b>	<b>AMENDMENT</b>
<b>PART 2</b>	
Part 2, Articles of the Constitution, Regulatory and Other Committees, Paragraph 8.1, Planning Committee, Page 2.16	<p><b>Article 8 – Regulatory and Other Committees Planning Committee</b></p> <p>Amend paragraph 8.1 of Article 8 of the Constitution relating to the Planning Committee to read:-</p> <p>The Planning Committee shall be a Committee of the Council with 11 Members.</p>
Part 2, Articles of the Constitution, Article 12 - Officers, Paragraph 12.5, Functions of the Monitoring Officer, Page 2.25	<p><b>Article 12 - Functions of the Monitoring Officer</b></p> <p>Amend Article 12, Paragraph 12 .5 relating to the functions of the Monitoring Officer with the following:-</p> <p><b>12.5 Functions of the Monitoring Officer</b></p> <p>(a) The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.</p> <p>(b) Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council (or to the Executive in relation to an Executive function if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration.) Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.</p>

	<p>(c) Supporting the Standards Committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.</p> <p>(d) The Monitoring Officer will arrange for complaints concerning the conduct of members to be handled in accordance with procedures agreed by the Standards Committee.</p> <p>(e) Access to information. The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.</p> <p>(f) Advising whether Executive decisions are within the budget and policy framework. The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.</p> <p>(g) Providing advice. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.</p> <p>(h) The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.</p>
<p><b>PART 3</b></p>	
<p>Part 3, Responsibility for Functions, Section 4, Overview and Scrutiny, Community Wellbeing Scrutiny Committee, paragraphs (p), (s), (t), (u), Page 3.16</p>	<p><b>Section 4 - Overview and Scrutiny</b></p> <p>Amend the following Terms of Reference for the Community Wellbeing Scrutiny Committee:-</p> <p>(p) add in 'Fire' after Police</p> <p>(s) (t) (u) Delete as the responsibility for contracted services now sits with the Resources Scrutiny Committee</p>
<p>Part 3, Responsibility for Functions, Section 5, Policy Documents, Page 3.17</p>	<p><b>Section 5 - Policy Documents</b></p> <p>Amend the following Policy Documents:-</p>

	<p>“The Corporate Plan” to read “The Corporate Business Plan”</p> <p>And</p> <p>“Safeguarding and Vulnerable Adults Policy” to read “Safeguarding Children and Adults at Risk of Abuse or Neglect Policy”</p>
<p>Part 3, Responsibility for Functions, Section 6 Scheme of Delegations, Page 3.24</p>	<p><b>Section 6 – Scheme of Delegation Onward Delegation</b></p> <p>Amend the following paragraphs 2.5.1 and 2.5.2 of the Scheme of Delegation:-</p> <p>2.5.1 “Subject to paragraphs 2.5.2 below ...”</p> <p>2.5.2 “... by Chief Officers under paragraph 2.5.1...”</p>
<p>Part 3, Responsibility for Functions, Section 6 Scheme of Delegations, Pages 3.31- 3.35</p>	<p><b>Section 6 – Scheme of Delegation Head of Operations</b></p> <p>Amend the following to the Scheme of Delegation in order to reflect the changes brought about by The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.</p> <p>Delete Paragraph 3.4.2</p> <p>In Paragraph 3.4.15 delete (e), (f), (k), (m) and (n)</p> <p>In Paragraph 3.4.15 amend (l) to read</p> <p>“Animal Welfare Act 2006”</p>
<p>Part 3, Responsibility for Functions, Section 6 Scheme of Delegations, Page 3.41</p>	<p><b>Section 6 – Scheme of Delegation Head of Development</b></p> <p>Amend paragraph 3.5.1 (vi) of the functions delegated to the Head of Development by inserting after “applications” in the first line</p> <p>“to which there are objections or to which paragraphs (i) to (v) above apply”</p> <p>and delete “applications submitted by a Councillor as an employer or a Councillor that has a pecuniary interest in the application” and replacing it with</p> <p>“where a Councillor or an employee of the Council has a pecuniary interest in the outcome”.</p>

<p>Part 3, Responsibility for Functions, Section 6 Scheme of Delegations, Page 3.52</p>	<p><b>Section 6 – Scheme of Delegation Head of Development</b></p> <p>Amend paragraph 3.5.36 (a), relating to the allocation of street names and numbers to properties within the Borough, to read the following:-</p> <p>3.5.36 Authority to allocate street names and numbers to properties within the Borough except in the following cases which be reported to Cabinet:-</p> <ul style="list-style-type: none"> <li>(a) where it is proposed to name a street after a living person or</li> <li>(b) where agreement cannot be reached with a developer on a proposed naming</li> </ul>
<p><b>PART 4</b></p>	
<p>Part 4, Rules of Procedure, Section 6, Regulatory Committee Procedure Rules, Planning Committee Procedure Rules, Paragraph 6.1(j) Page 4.81</p>	<p><b>Section 6 - Regulatory Committee Procedure Rules Planning Committee Procedure</b></p> <p>Replace paragraph 6.1(j) of the Planning Committee Procedure Rules with the following:-</p> <p>If a motion or an amendment that the Committee undertake a site visit in respect of an application is moved and seconded, the debate will continue on that motion or amendment. If the motion is carried, at the meeting following the site visit these rules of debate will apply with the following provisos:-</p> <ul style="list-style-type: none"> <li>• The planning officer will confine their presentation to matters arising from the site visit and updating the Committee on any matters which have arisen since the previous meeting.</li> <li>• The members of the public and the ward members will confine their remarks to matters arising from the site visit and any new matters raised by the planning officer.</li> </ul>
<p>Part 4, Rules of Procedure, Section 6, Regulatory Committee Procedure Rules, Planning Committee Procedure Rules, Rules for Major Applications, Paragraph 7, Page 4.84</p>	<p><b>Section 6 - Regulatory Committee Procedure Rules Planning Committee Procedure</b></p> <p>Replace the first sentence of paragraph 7 of the Planning Procedure Rules for Major Applications, with the following:-</p>

	<p>The Chairman will invite those Members representing a ward in which the matter is located or a neighbouring ward that is affected by the matter to speak. Those members shall between them speak for no longer than 10 minutes or longer at the discretion of the Chairman. In the absence of agreement between those members each shall be allowed a proportionate part of the 10 minutes. At the invitation of the Chairman, the Ward Member may contribute during the debate to correct any inaccuracies and misunderstandings. When a Member representing the Ward is unable to attend he/she may nominate another Member to speak on his/her behalf. Any Ward Member may provide photographs and/or written material for presentation at the Committee at least 2 clear working days prior to the meeting.</p>
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