



Civic Centre, Riverside, Stafford
Contact Andrew Bailey
Direct Dial 01785 619212
Email abailey@staffordbc.gov.uk

Dear Members

Special Resources Scrutiny Committee

A special meeting of the Resources Scrutiny Committee will be held in the **Craddock Room, Civic Suite, Civic Centre, Stafford on Tuesday 26 March 2019 at 6.30pm** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A.R. Well

Head of Law and Administration

**SPECIAL RESOURCES SCRUTINY COMMITTEE -
26 MARCH 2019**

Chairman Councillor E G R Jones

A G E N D A

- 1 Minutes of 12 February 2019 as published on the Council's Website and previously circulated.
- 2 Apologies

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- 3 Officers' Reports

ITEM NO 3(a) **Review of the Constitution** 3 - 9
HEAD OF LAW AND ADMINISTRATION

Membership

Chairman Councillor E G R Jones

B M Cross	J Hood
I E Davies	R A James
M G Dodson	E G R Jones
A T A Godfrey	W J Kemp
A S Harp	A J Perkins

Cabinet Members:-

Councillor K S Williamson - Resources

Councillor F A Finlay - Environment and Health

Councillor R M Smith - Leisure

ITEM NO 3(a)**ITEM NO 3(a)**

Report of:	Head of Law and Administration
Contact Officer:	Andrew Bailey
Telephone No:	01785 619212
Ward Interest:	Nil
Report Track:	Special Resources 26/3/19 Council 18/4/19

SPECIAL RESOURCES SCRUTINY COMMITTEE

26 MARCH 2019

Review of the Constitution

1 Purpose of Report

- 1.1 The purpose of this report is to present the Committee with details of the recommended amendments to the Constitution as suggested by the Task and Finish Review Group.

2 Recommendation

- 2.1 That the amendments detailed in the **APPENDIX** be forwarded for consideration at the Council meeting due to be held on 18 April 2019.

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 agreed to establish a Task and Finish Review Group to undertake a Review of the Constitution.
- 3.3 The Constitution Task and Finish Review Group have recommended a number of amendments to the Constitution during the course of their review.
- 3.4 If agreed by this Committee, the suggested amendments to the Constitution will be reported to the Council meeting on 18 April 2019.

4 Relationship to Corporate Priorities

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

5 Report Detail

- 5.1 Article 15.1 of the Constitution requires the Monitoring Officer to review the Constitution on an annual basis.
- 5.2 Following the last review undertaken during early 2018, the Resources Scrutiny Committee at its meeting held on 8 November 2018 (Minute No RSC21/18 refers) agreed to establish a Task and Finish Review Group in order to undertake the annual Review of the Constitution.
- 5.3 The aim of the Task and Finish Review was to report any suggested amendments to the Constitution to this Committee, with a view to making formal recommendations to Council on 18 April 2019.
- 5.4 The Constitution Task and Finish Review Group have recommended a number of amendments to the Constitution during the course of their Review, which are detailed as an **APPENDIX**. 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.
- 5.5 **Technical Inaccuracies**

The Head of Law and Administration will arrange for any technical inaccuracies in the Constitution to be corrected.

6 Implications

6.1 Financial	Nil
Legal	Nil
Human Resources	Nil
Human Rights Act	Nil
Data Protection	Nil
Risk Management	Nil

6.2 Community Impact Assessment Recommendations	<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

SPECIAL RESOURCES SCRUTINY COMMITTEE**26 MARCH 2019****Review of the Constitution****AMENDMENTS TO THE CONSTITUTION**

PART OF THE CONSTITUTION	AMENDMENT
PART 2	
Part 2, Articles of the Constitution, Regulatory and Other Committees, Paragraph 8.1, Planning Committee, Page 2.16	<p>Article 8 – Regulatory and Other Committees Planning Committee</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>Article 12 - Functions of the Monitoring Officer</p> <p>Amend Article 12, Paragraph 12 .5 relating to the functions of the Monitoring Officer with the following:-</p> <p>12.5 Functions of the Monitoring Officer</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) Receiving reports. The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.</p> <p>(d) Concluding investigations. The Monitoring Officer will arrange for complaints concerning the conduct of members to be handled in accordance with procedures agreed by the Standards Committee. investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to 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>PART 3</p>	
<p>Part 3, Responsibility for Functions, Section 4, Overview and Scrutiny, Community Wellbeing Scrutiny Committee,</p>	<p>Section 4 - Overview and Scrutiny</p> <p>Amend the following Terms of Reference for the Community Wellbeing Scrutiny Committee:-</p>

<p>paragraphs (p), (s), (t), (u), Page 3.16</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>Section 5 - Policy Documents</p> <p>Amend the following to the list of Policy Documents:-</p> <p style="padding-left: 40px;">Amend "The Corporate Plan" to</p> <p style="padding-left: 40px;">"The Corporate Business Plan"</p> <p style="padding-left: 40px;">And</p> <p style="padding-left: 40px;">Amend "Safeguarding and Vulnerable Adults Policy" to "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>Section 6 – Scheme of Delegation Onward Delegation</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>Section 6 – Scheme of Delegation Head of Operations</p> <p>Amend the following to the Scheme of Delegation in order to reflect the changes brought about by The Animal Welfare Act 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 Acts 2006 and 2018"</p>
<p>Part 3, Responsibility for Functions, Section 6 Scheme of Delegations, Page 3.41</p>	<p>Section 6 – Scheme of Delegation Head of Development</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>Section 6 – Scheme of Delegation Head of Development</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"> (a) where it is proposed to name a street after a living person or (b) where agreement cannot be reached with a developer on a proposed naming
<p>PART 4</p>	
<p>Part 4, Rules of Procedure, Section 1, Council Procedure Rules, Paragraph 5.2, Page 4.8</p>	<p>Part 4 - Section 1 - Council Procedure Rules</p> <p>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.</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>Section 6 - Regulatory Committee Procedure Rules Planning Committee Procedure</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"> • 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. • 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.
<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>Section 6 - Regulatory Committee Procedure Rules Planning Committee Procedure</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>