



Report of Councillor Mrs. Brenda Sumner
Chairman of the Constitution Committee

Report to:	Council
Date:	26 July 2018
Subject:	Report from the Constitution Committee – 4 June 2018 (LDS304)

Decision Proposal:	Council Decision
Relevant Cabinet Member:	Councillor Kelham Cooke, the Deputy Leader of the Council
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Approved for publication	Councillor Mrs. Brenda Sumner, Chairman of the Constitution Committee Date: 12 th July 2018

SUMMARY

At its meeting on 4 June 2018 the Constitution Committee considered and made recommendations to Council to amend the Constitution in relation to:

- Arrangements for questioning public speakers at meetings of the Development Management Committee
- Article 16 of the Constitution to align its wording with the Leader's Scheme of Delegation circulated following the Council meeting on 24 May 2018

RECOMMENDATION

1. Article 9 – Regulatory Committees

1.1 That Article 9.1.9 a) (viii) of the Constitution is amended by deleting the existing clause and adding a new clause 9.1.9 a) (viii) as follows:

“Questions may only be put by Committee members to the applicant, an agent and/or a specialist adviser/consultant whether speaking on behalf of the applicant, for the grant of an application, or against the grant of an application. Questions must be relevant to the application being considered and limited to the following matters:

- Anything that they have specifically referenced in their speech**
- Anything that is contained in the application**
- Anything that has been made in a representation by the speaker in respect of the application**

Questions may be asked of public speakers by the Chairman and/or Vice-Chairman but only to establish the source of any material facts stated by a public speaker. Questions may be suggested by Committee Members to the Chairman who may put the question to the speaker if they are felt, by the Chairman, to be relevant.”

1.2 Article 9.1.9 a) (v) be amended to read:

Each person is allowed to speak for a maximum of three minutes and may be required to answer questions in accordance with Article 9.1.9 (a) (viii).

2. Article 16 - Officers

2.1 That Article 16 be amended to include the words shown underlined below:

That the Chief Executive is delegated with authority:

In liaison with the Leader of the Council, to authorise officers who are suitably trained and qualified to carry out functions when the authorised post becomes vacant or ceases to exist.

1. BACKGROUND TO REPORT

1.1 Article 9 – Regulatory Committees (Development Management Committee)

1.1.1 The Council’s Constitution makes provision for Members to ask questions of any public speakers at meetings of the Council’s Development Management Committee. Councillors may ask questions of any speaker for up to 10 minutes following their verbal representation.

1.1.2 At its meeting on 23 November 2017 the Council agreed a 6-month pilot that limited the general questioning of speakers by Committee Members to the applicant, an applicant’s agent and/or a specialist adviser/consultant whether speaking on behalf of the applicant or against the grant of an application. In order to establish the legitimacy of comments made by a public speaker, the

Chairman and/or Vice-Chairman will be able to ask a public speaker the source of any facts that the speaker has presented to the Committee. Committee members may suggest questions to the Chairman who, if he feels they are relevant, may put those questions to speakers.

- 1.1.3 The pilot period has now come to an end and the Constitution Committee recommended to Council that the change should be permanent and the Constitution amended accordingly.
- 1.1.4 The Constitution Committee recommended that the temporary arrangements should remain in place during the interim period between the cessation of the pilot and consideration by the Council of whether to make the change permanent.
- 1.1.5 The deliberations of the Committee are captured in the minutes of the meeting, which are attached as Appendix A to this report. It was clarified that the proposed changes to public speaking at Development Management Committee did not in any way propose a change to the Ward Members' right to speak at Development Management Committee for the period of 5 minutes.

1.2 Article 16 – Officers

- 1.2.1 Following the Annual Council meeting on 24 May 2018 the Leader of the Council circulated his scheme of delegation to all Members. The scheme of delegation proposed a change to Article 16 of the Constitution relating to delegations to officers.
- 1.2.2 The wording of Article 16 gives the Chief Executive the authority to authorise officers in accordance with the officer scheme of delegation following a vacancy in a post or removal of a post from the officer structure. The scheme of delegation proposed that the Chief Executive should be delegated authority to authorise officers in these circumstances in liaison with the Leader of the Council.
- 1.2.3 For the proposed change to become effective, a change to the Constitution would need to be agreed by the Council.

2. **OTHER OPTIONS CONSIDERED**

- 2.1 The Council may continue with the existing constitutional arrangements in relation to the questioning of public speakers at Development Management Committee meetings and the authorisation of officers by the Chief Executive.

3. **RESOURCE IMPLICATIONS**

- 3.1 There are no resource implications arising from this report.

4. **RISK AND MITIGATION**

- 4.1 Risk has been considered as part of this report and no specific high risks have been identified as a result of the recommendations made.

5. ISSUES ARISING FROM IMPACT ANALYSIS (EQUALITY, SAFEGUARDING etc.)

5.1 An equality impact assessment is not required in respect of this report.

6. CRIME AND DISORDER IMPLICATIONS

6.1 There are no crime and disorder implications arising from this report.

7. COMMENTS OF FINANCIAL SERVICES

7.1 There are no financial implications arising from this report.

8. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

8.1 The Constitution permits public speaking at Development Management Committee meetings. The rules of procedure relating to public speaking are set out at Article 9.1.9a). These rules permit Members of the Committee to put questions to public speakers. The amendment proposed permits questions from the Committee Members to be asked directly of the applicant, appointed agents or specialist advisers. Questions to other public speakers could be put through the Chairman or Vice-Chairman who would determine whether they were appropriate.

9. COMMENTS OF OTHER RELEVANT SERVICES

9.1 Not applicable.

10. APPENDICES

10.1 Appendix A: minutes of the Constitution Committee held on 4 June 2018

11. BACKGROUND PAPERS

11.1 The Council's Constitution:
<http://modern.gov.southkesteven.gov.uk/documents/g3630/Public%20reports%20pack%2011th-Apr-2018%20Constitution.pdf?T=10>