

REPORT TO COUNCIL

REPORT OF: **COUNCILLOR PETER MARTIN MAYHEW –
CHAIRMAN OF THE CONSTITUTION COMMITTEE**

REPORT NO: **LDS016**

DATE: **3rd March 2011**

TITLE:	Recommendations from the Constitution Committee - 17th January 2011	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	n/a	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter - Corporate Governance and Housing	
CONTACT OFFICER:	Lucy Youles – Head of Legal and Democratic Services (Monitoring Officer) E-mail: l.youles@southkesteven.gov Telephone: 01476 406105	
INITIAL IMPACT ASSESSMENT:	Carried out and appended to the report: n/a	Full impact assessment Required: n/a
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council’s website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	The Council’s Constitution Report LDS014 – Public Open Forum Report SS10 – Delegated Authority relating to Enforcement of Dog Control Orders	

1. RECOMMENDATIONS

It is recommended that Council approve the recommendations made by the Constitution Committee at its meeting on the 17th January 2011 as follows:

The Constitution be amended

- 1.1 At clause 10.1 page 124 of the Council Procedure Rules relating to the Public Open Forum to clarify that any question can be asked during the Public Open Forum subject to the provisions of clause 10.5 but any speeches to be made must be relevant to an item on the agenda.
- 1.2 At clause 1 of page 97 relating to powers delegated to officers be amended to delete reference to the Dogs (Fouling of Land) Act 1996 and include reference to service and enforcement relating to failure to clear up in respect of dog fouling, failure to put a dog on a lead when requested to do so and allowing a dog in to an area from which they are excluded in accordance with The Fouling Of Land by Dogs

within the District of South Kesteven Order 2010, The Dogs Exclusion within the District Of South Kesteven Order 2010 and the Dogs on Leads under Direction within the District of South Kesteven Order 2010 and in accordance with the Clean Neighbourhood and Environment Act 2005.

- 1.3 At clause 2 on page 97 include reference to failure to put a dog on a lead when requested to do so and allowing a dog into an area from which they are excluded.
- 1.4 At page 141 Public Speaking at Development Control and Licensing Committees be clarified to confirm that Members of the Council speaking at those Committees are permitted to speak for 5 minutes in accordance with the Council Procedure Rules.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

The purpose of this report is to detail the recommendations made by the Constitution Committee at its meeting on the 17th January 2011 to Council for approval. The minutes of the Constitution Committee meeting of the 17th January 2011 are attached to this report at the Appendix for information.

3. CONTRIBUTE TO PRIORITY THEME

The amendments to the Constitution recommended contribute to the quality organisation priority theme. The proposed delegation to officers is required to ensure efficient decision making and timely action.

4. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)

The details of the recommendations and the reasons for the recommendations are given in the minutes of the Constitution Committee meeting attached to this report and the reports made to that meeting.

- 4.1 In respect of recommendation 1.1, as originally drafted, there was some ambiguity as to whether or not questions asked at the Public Open Forum should relate to items on the agenda of the Council meeting. Members of the Constitution Committee agreed that, whilst speeches being made should relate to items on the agenda, questions asked of Members by members of the public could relate to any topic provided the question met the conditions set out at clause 10.5 relating to the Public Open Forum.
- 4.2 At its meeting in December 2010, Council approved the new dog control Orders as described in the recommendations. It is essential that amendment to the officer delegated authority is approved to enable officers to enforce the Orders made. Recommendation 1.2 and 1.3 are made to update the scheme of delegation in line with the Orders adopted.
- 4.3 The Chairman of Development Control attended the Constitution Committee meeting to ask that the Constitution be amended to clarify the length of time permitted for Members of the Council to speak at the Development Control Committee. The length of speech permitted for Members is 5

minutes in accordance with Council Procedure Rules. The 5 minute rule would apply to any member of the Council attending the Committees to speak on an application other than Members of the relevant Committee who had declared a personal and prejudicial interest who would be permitted to speak for 3 minutes as a member of the public.

5. OTHER OPTIONS CONSIDERED

No other options have been considered in respect of this report. Options relating to each recommendation were considered at the Constitution Committee meeting.

6. RESOURCE IMPLICATIONS (INCLUDING FINANCIAL, PEOPLE)

There are no known resource implications from the recommendations made.

7. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

The recommendations are made to clarify ambiguity and mitigate the risk of delayed decision making.

8. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

No assessment is required in respect of this report.

9. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications arise as a result of this report

10. COMMENTS OF SECTION 151 OFFICER

There are no financial implications resulting from this report. The comments of the 151 officer in respect of each recommendation made are given in the reports made to the Constitution Committee

11. COMMENTS OF MONITORING OFFICER

The comments of the monitoring officer in respect of each recommendation made are given in the reports made to the Constitution Committee.

12. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS

The comments of relevant service managers in respect of each recommendation made are given in the reports made to the Constitution Committee.

13. APPENDIX

Minutes of the Constitution Committee meeting of the 17th January 2011