

# Council

27 May 2021



	<b>Minor amendments to the constitution for implementation of the committee system</b>
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Victoria Statham, Group Head of Corporate Governance
<b>Recommendations</b>	<b>To approve the amendments to Parts 3b and 4a of the Constitution as set out in this report.</b>
<b>Reason for Recommendation</b>	<b>To ensure that the Constitution is an effective document for the operation of a committee system</b>

## 1. Background

- 1.1 On 23 March 2021 the Council resolved to cease operating the Cabinet form of governance and operate a committee system from the Annual Council Meeting on the 27 May 2021. It was also resolved to adopt an updated Constitution from the implementation of that new system.
- 1.2 Since the 23 March 2021 officers have been finalising the documentation and process for the commencement of the committee system and this work has highlighted some minor amendments to the Constitution which are required.

## 2. Constitutional amendments

- 2.1 When the revised terms of reference were presented to the Council in March 2021, inadvertently the Appeals Committee for Chief Officers was deleted. This is a statutory requirement and needs to be reinstated.
- 2.2 Amendments have been made to the Planning Committee terms of reference due to Government definition changes on minor and major applications and on advice regarding tree preservation orders, and to enable officers to take prompt action against unauthorised dwellings.
- 2.3 Amendments have been made to the Licensing terms of reference for the inclusion of powers relating to taxi and private hire licensing.
- 2.4 At its meeting on the 23 March 2021, the Council agreed an amendment to the membership of the Development Sub-Committee such that "5 members will be appointed by the Corporate Policy and Resources Committee and 2 members appointed by the Environment and Sustainability Committee". Standing Order 37.1 requires Council to appoint Sub-Committees on the recommendation from the parent Committee(s). Therefore, rather than appointing members, the Corporate Policy and Resources and Environment and Sustainability Committees will be required to nominate 5 and 2 members

respectively, for Council to approve. It is therefore proposed to amend 'appointed by' to 'nominated by' in the terms of reference for the Development Sub-Committee..

2.5 Standing Order 8.3 (e) provides for the Annual Council meeting to:

"Appoint the Chairs and Vice-Chairs of the other Service Committees on a politically proportionate basis.."

It is proposed to remove the word 'Service' from this Standing Order as the intention of the Committee System Working Group, as recorded in the minutes of its meeting held on 17 February 2021, was that Council appoints the Chairs and Vice-Chairs of all the Committees.

2.6 Apart from the appointment to the Police and Crime Commissioners Panel and the South West Crematorium Board which are reserved to Council, other appointments to Outside Bodies have historically been made by the Cabinet and the Leader. With the move to the committee system, it is proposed that all outside body appointments not reserved to Council, are delegated to the Corporate Policy and Resources Committee and consequently that this function is included in the Committee's terms of reference.

2.7 This change is also reflected in the business of the Annual Meeting at paragraph 8.3(h) of Standing Orders.

2.8 Attached at Appendix A and B are clean copies of the proposed amended Terms of Reference and Standing Orders to address the above. Tracked changed versions of both documents are available to Members in the Mod.Gov app library.

### **3. Financial implications**

3.1 There are none.

### **4. Timetable for implementation**

4.1 The amendments will take effect upon agreement.

**Background papers: There are none**

### **Appendices:**

**Appendix A – Terms of Reference**

**Appendix B – Standing Orders**