

Standards Committee

11 June 2025



Title	Amendments to the Constitution
Purpose of the report	To make a recommendation
Report Author	Linda Heron, Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision.
Recommendations	Committee is asked to recommend to Council to: Approve the proposed changes to the Constitution as set out in this report.
Reason for Recommendation	To ensure that the Constitution is an effective and up to date document and to support good governance.

1. Summary of the report

What is the situation	Why we want to do something
Councillors have requested some changes to the Scheme of Delegations to Officers (part 3(d) of the Constitution) to clarify principles for Council decision making.	To ensure the Constitution supports good governance.
This is what we want to do about it	These are the next steps
Recommend the changes as set out in this report for approval.	- Seek Council approval for the proposals. - Once approved, the Constitution will be updated and published on the website.

- 1.1 This report seeks a recommendation to Council to approve proposed amendments to the Constitution, which have the support of the Committee System Working Group.

2. Key issues

- 2.1 The Committee System Working Group (CSWG) is responsible for considering whether any amendments are required to the Constitution and making recommendations on these to the Standards Committee.

- 2.2 Councillors have requested that certain delegations to officers in part 3(d) of the Constitution be amended to clarify responsibilities for decision making.
- 2.3 The proposed amendments relate to paras 14.2 and 14.12 in the Scheme of Officer Delegation (Part 3(d)).
- 2.4 The proposed changes to the Constitution were discussed with the Committee System Working Group in May 2025.

3. Constitutional amendments

- 3.1 The proposed amendments identify the scope of the delegated authority to the Planning Development Manager and the circumstances in which decisions should be referred to the Planning Committees.
- 3.2 Para 14.2 Part 3(d) of the Constitution:

Agreement for any variation and to determine any application under section 106A of the Town and Country Planning Act 1990 (the 1990 Act) **save for major variations relating to affordable housing development and / or financial contributions exceeding £0.5M**

- 3.3 Para 14.12 Part 3(d) of the Constitution:

Power to seek an injunction under s187B of the 1990 Act **unless breach of planning control relates to affordable housing development and / or financial contributions exceeding £0.5M**

4. Financial management comments

- 4.1 None in the context of this report.

5. Risk management comments

- 5.1 None arising directly from this report.

6. Procurement comments

- 6.1 None arising directly from this report.

7. Legal comments

- 7.1 The Council has a statutory duty to keep its Constitution updated (section 9P Local Government Act 2000).
- 7.2 It is considered that the proposals in this report will meet one of the purposes of the Constitution as set out in Article 1 para 1.3:

(5) to enable decisions to be taken efficiently and effectively

- 7.3 Amendments to the Constitution are a matter for full Council decision.

8. Other considerations

- 8.1 None.

9. Equality and Diversity

9.1 No specific implications arising directly from this report.

10. Sustainability / Climate Change Implications

10.1 None.

11. Timetable for implementation

11.1 A recommendation from Standards Committee will be considered by Council at its meeting on 17 July 2025.

11.2 The amendments will take effect upon agreement by Council and the Constitution will be updated and published as soon as reasonably practicable.

12. Contact

12.1 Linda Heron, Group Head Corporate Governance l.heron@spelthorne.gov.uk

Please submit any material questions to the Chair and Officer Contact by two days in advance of the meeting.

Background papers: None.

Appendices:

Appendix 1 – Part 3(d) Delegations to Officers