

## **BROMSGROVE DISTRICT COUNCIL**

### **Council**

**18th April 2012**

#### **CONSTITUTION CHANGES**

Relevant Portfolio Holder	Councillor M. A. Bullivant, Portfolio Holder for Policy, Performance, Communications, Customer Services, Legal, Equalities, Democratic Services and Human Resources
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Wards Affected	All
Ward Councillor Consulted	
Non-Key Decision	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 Council is asked to approve the amendments to the Constitution outlined in this report.

#### **2. RECOMMENDATIONS**

**It is recommended that:**

- 2.1 **Council considers and approves the proposed amendments of the Constitution as referred to in the Appendices to this report in relation to the following issues:**

- (a) Planning Code of Practice**
- (b) Council Procedure Rules**

#### **3. KEY ISSUES**

##### **Financial Implications**

- 3.1 There are no direct financial implications arising from this report.

##### **Legal Implications**

- 3.2 Review and Revision of the Constitution is governed by Article 15 of the Constitution.

**Service / Operational Implications**

- 3.3 The Constitution is a working document which is regularly amended and updated to reflect changes to the way in which the Council operates and carries out its functions.
- 3.4 At the meeting of the Full Council in March 2012 it was agreed that various aspects of the constitution be considered and agreed by the Group Leaders and submitted as agreed changes to the meeting of the Full Council in April for approval.
- 3.5 Members are advised that those items were in relation to Planning site visits and the process for managing Motions on Notice.
- 3.6 Members are advised that following a meeting between the Leader and the Deputy leader of the Labour Group it has been agreed that the changes to the process for planning site visits should be as set out in the report to members at the meeting in March and as appended to this report at appendix 1.
- 3.7 The leaders discussed the amendment proposed at the March meeting in relation to 'otherwise delegated' planning decisions that were determined by the Planning Committee as a consequence of the applicant either being an officer of the Council or an Elected member of the Council and it was agreed that for the purposes of openness and transparency that these applications should follow the same process as all other applications determined by the planning committee and that they would therefore require a site visit.
- 3..8 Members are advised that a process has been agreed between the leader and the Deputy Leady of the Labour Group for receiving and debating Motions on Notice and that as a result the time limit for receiving Motions on Notice has now changed from being the twelfth calendar day before the meeting to being the 7<sup>th</sup> calendar day before the meeting. In addition it has been agreed that in future where Motions on Notice rely upon factual and statistical information that the supporting information be submitted together with the motion in accordance with the timetable agreed and detailed above. See Appendix 2.
- 3.9 This will see a change to the format of the Council agenda as the deadline is later than that of agenda publications. As a result the agenda will now have an item referring to Motions on Notice in the same way that it currently has an item referring to Questions on Notice and there will be a printed form of the Motion tabled on the night of the meeting. In addition the Monitoring Officer will circulate those received in accordance with the above to Group Leaders in advance of the

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meeting and there will be a web link available for all Councillors and members of the public to access in advance of the meeting.

### **Customer / Equalities and Diversity Implications**

- 3.10 The recommendations will have minimal impact on internal/external customers. No Equality and Diversity implications have been identified.

## **4. RISK MANAGEMENT**

- 4.1 The main risks associated with the details included in this report are failure to comply with governance requirements which may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation

## **5. APPENDICES**

Appendix 1 Revised Code of Practice – Planning Services (Part 20)  
Appendix 2 Council Procedure Rules

## **6. BACKGROUND PAPERS**

Council's Constitution

## **7. KEY**

N/A

## **AUTHOR OF REPORT**

Name: Claire Felton  
E Mail: c.felton@bromsgroveandredditch.gov.uk  
Tel: 01527 881249