

Report of	Meeting	Date
Corporate Director of Governance (Introduced by the Leader of the Council)	Council	22 September 2009

REVIEW OF THE COUNCIL'S CONSTITUTION

PURPOSE OF REPORT

- To agree a number of changes to the Council's Constitution to ensure it remains an up to date and robust document for the effective governance of the Council.

RECOMMENDATION(S)

- That the following constitutional changes be approved:

2.1 The current petitions procedure be revised to ensure a more customer focussed approach. When a petition is received it will immediately be referred for consideration by the Executive Member or Executive Cabinet and a report with recommendations will be sent to the lead petitioner. Any petition received regarding staffing issues to be dealt with directly by the Chief Executive as the Head of the Paid Service.

2.2 The public speaking procedure at Development Control Committee be revised to include Ward Councillors being able to speak for a maximum of 3 minutes only. Those wishing to speak as Ward Councillors must also first seek the approval of the Chair, prior to the meeting.

2.3 The requirement for full Council to determine planning applications for Council developments or on Council land no longer apply, and be removed from the Constitution.

2.4 The terms of reference of the Overview and Scrutiny Committee be revised to include the following:

"At least one meeting a year of the Council's Overview and Scrutiny Committee be dedicated to the review and scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions through the Safer Chorley and South Ribble Partnership – Responsible Authorities Group."

2.5 In recognition of the legal basis of Councillor Call for Action, the local provision whereby any Councillor or member of the public can raise an issue for consideration by the Overview and Scrutiny Committee, be included in the Constitution under the Overview and Scrutiny procedure rules and the Overview and Scrutiny Information and Guidance booklet be similarly revised.

2.6 A new section be included in the Responsibility for Functions section of the Constitution on Joint Committees, to include the terms of reference for both the Lancashire Locals and the Shared Services Joint Committee with South Ribble, and any other Joint Committee which the Council may enter into.

EXECUTIVE SUMMARY OF REPORT

3. The report seeks to revise or introduce a number of elements of the Constitution in line with changes to legislation or measures to improve the way the Council conducts its business.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

4. The rationale for each recommendation is set out in paragraphs 8 to 13.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. There is the option to agree or reject each of the recommendations and retain current arrangements, with the exception of the scrutiny recommendations where the Council is required to comply with new legislation.

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	✓

BACKGROUND

7. It is important that the Constitution is reviewed on a regular basis to ensure it meets legislation and organisational requirements. It is also a specific requirement under the Use of Resources element of the Comprehensive Area Assessment in ensuring that the Council maintains good governance arrangements.

CONSTITUTIONAL CHANGES

8. Petitions Policy

The current policy requires that all petitions received are reported to Council. Council cannot debate the issue but just reject the request or refer it on to an Executive Member or Executive Cabinet for consideration. This delays any decision on the issue. The lead petitioner is invited to attend the Council meeting but obviously doesn't hear any debate.

A more efficient way of dealing with petitions would be to immediately refer them for consideration by the Executive Member or Executive Cabinet and that a report with recommendations be sent to the lead petitioner. This is a more customer focussed approach to dealing with what can be very emotive issues.

In addition it is recommended that if a petition is received regarding staffing issues that this be dealt with directly by the Chief Executive as the Head of the Paid Service.

9. Public and ward member speaking procedure at Development Control Committee

The current procedure for the above is to allow one objector, one supporter and the applicant to each speak for 3 minutes on a planning application. Ward Councillors may also speak for or against planning applications and as they currently have no time limit, it is at the discretion of the Chair to decide how long they should be permitted to speak. In the interests of applicants for planning permission feeling that there is equality amongst

supporters and objectors it is recommended that the speaking procedure be revised to limit Ward Councillors (who are not speaking as Members of the Committee) to speaking for no longer than 3 minutes. In addition, Ward Councillors wishing to speak on planning applications should seek approval to do so from the Chair prior to the meeting of the Development Control Committee.

10. **Council planning applications**

The Constitution currently requires that planning applications for developments being undertaken by the Council or on Council land be considered by the Development Control Committee first and then require the approval of full Council. This can cause considerable delays in the development process. It is recommended that this requirement no longer apply, and that it is therefore removed from the Constitution. The rationale for this is that Development Control Committee Members are better placed to consider relevant planning policy and planning considerations in making their decision.

11. **Scrutiny powers for crime and disorder issues**

The last Council meeting approved a recommendation from the Overview and Scrutiny Committee to agree a change to its terms of reference to allow the Committee to take on the scrutiny of crime and disorder matters through the local Crime and Disorder Reduction Partnership. This is under the Local Government and Public Involvement in Health Act 2007, scrutiny regulations which came into force on 30 April 2009.

One Overview and Scrutiny Committee per year will be dedicated to the scrutiny of crime and disorder issues and the following addition to the Overview and Scrutiny Committee terms of reference is proposed:

“At least one meeting a year of the Council’s Overview and Scrutiny Committee be dedicated to the review and scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions through the Safer Chorley and South Ribble Partnership – Responsible Authorities Group.”

12. **Councillor Call for Action**

Councillor Call for Action was also introduced under the Local Government and Health Act 2007 and implemented in April this year. It was reported to Overview and Scrutiny Committee in May. Councillor Call for Action (CCfA) is a tool that Councillors can use to raise community concerns which focus on the quality of public service provision at local level – it can also include issues relating to crime and anti social behaviour. These may be ward issues or raised with Councillors by members of the public. In pursuing an interest under the CCfA heading the ultimate action is to persuade the Overview and Scrutiny Committee to undertake a scrutiny review of the issue.

In practice, it is hoped that most issues are addressed well before they get to this stage and those authorities who piloted the CCfA have found that very few issues get to the scrutiny stage. The Overview and Scrutiny Committee, having considered this issue in May 2009, felt that the current local provision whereby any Councillor or member of the public can request a matter be considered by Overview and Scrutiny Committee with a view to undertaking a full scrutiny review, more than met the provisions of the CCfA initiative. In recognition of the legal basis of CCfA it is proposed that this provision be included in the Constitution under the Overview and Scrutiny procedure rules and the Overview and Scrutiny Information and Guidance booklet be similarly revised.

13. **Joint Committees**

There is currently no provision in the Constitution for Joint Committees. These include Committees like the Lancashire Locals and the Shared Services Joint Committee with South Ribble where the Council has jointly signed up to decision making in conjunction with another Council. The Council must agree terms of reference and appointments to

these Committees. It is therefore proposed that a new section be included in the Responsibility for Functions section of the Constitution on Joint Committees and will include the terms of reference for both these two and any further Joint Committees which the Council may enter into.

IMPLICATIONS OF REPORT

15. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	No significant implications in this area	

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Carol Russell	5196	08 September 2009	CR/JA./REPORTS/0809

Background Papers			
Document	Date	File	Place of Inspection
Council's Constitution	Last updated 2008		Website