

Committee: Ordinary Council	Date: 20 January 2021
Subject: Constitution Working Group	Wards Affected: All
Report of: Amanda Julian – Corporate Director of Law and Governance and Monitoring Officer	Public
Report Authors: Name: Claire Mayhew – Corporate & Democratic Services and Deputy Monitoring Officer Telephone: 01277 312741 E-mail: claire.mayhew@brentwood.gov.uk	For Decision

SUMMARY

The Council is required by Section 37 of the Local Government Act 2000 to keep its Constitution up to date.

This report sets out several proposals for the revision of following paragraphs within Part 4.1 Council Procedure Rules, paragraphs 7, 9, 27 and the Planning Chapter.

The attached appendices reflect the significant and detailed contributions from the Working Group Members.

RECOMMENDATION/S

Members are asked to:

- R1. To adopt the proposed additions to the Planning Chapter within the Council's Constitution set out in Appendix A.**
- R2. To adopt the proposed additions to paragraphs 7, 9 and 27 within Part 4.1- Council Procedure Rules within the Council's Constitution set out in Appendix B.**

INTRODUCTION AND BACKGROUND

1. The Council Constitution governs the way the Council operates and how decisions are made.
2. The Council is responsible for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect (Article 12.1(a) Duty to Monitor and Review the Constitution).
3. Subject to certain exceptions changes to the Constitution are only effective if approved by Full Council. Normally changes will only be considered by Full

Council following a report and recommendation from the Constitution Working Group or the Audit & Scrutiny Committee ("Member body") and having received advice from the Monitoring Officer, (Article 12.1(c)). The Monitoring Officer may submit a report direct to Full Council in any case where his/her advice is not accepted by the Member body (Article 12.2(f)).

4. The Members of the Working Group met on five occasions since April 2020.

Planning Chapter

5. Further work has been undertaken by the Constitution Working Group (CWG) after the approval of the Planning Chapter at Ordinary Council on 2nd December 2020, the proposed amendments provide Members will more clarification about the Planning procedure.

Chairs Reports and Questions

6. The Constitution Work Group (CWG) proposed an additional paragraph be included under Part 4.1 paragraph 7.2 relating to the question(s) being put to a Chair in relation to the content of the report within the agenda. The suggested paragraph 7.2 (c) can be found at Appendix B.

Voting

7. Together with the suggestion amendment to 7.2, the Constitution Work Group (CWG) proposed changes to Part 4.1 paragraph 9 (Appendix B) concerning the voting process.
8. More comprehensive discussion of the working group was made around the remote voting process with a proposal of empowering a more fluent way of voting and ensure a robust decision-making process is undertaken.

Appointment of Representatives on Outside Organisations

9. At Ordinary Council on 2nd December 2020, a motion was submitted by Cllr Poppy and seconded by Cllr Hossack which stated:-

"I would like to ask that the CEO, and the MO review the policy of placing members as trustees on outside bodies. As part of the work of the Constitution Working Group (CWG)".

10. This was approved by Council and was presented to the Constitution Work Group (CWG) on 15th December 2020, the suggested amendments by the Constitution Work Group (CWG) under Part 4.1 paragraph 27.1 & 27.2 can be found at Appendix B.

Issues and Context

11. A Council's Constitution must by law contain a copy of the Council's current standing orders, a copy of the Council's Member's Code of Conduct and such other information as the Secretary of State may direct and such other information that the Council considers appropriate.
12. The purpose of the Constitution is already set out in Article 1.3 of the current Constitution.
13. Any Constitution should be designed to better facilitate actions, so the at the Council can deliver its expressed vision and its relative and often interrelated corporate priorities.

REASONS FOR RECOMMENDATIONS

14. Section 37 of the Local government Act 2000 required that the Council has in place a document, known as its Constitution, which should be regularly reviewed.

CONSULTATION

15. No consultation is required in advance of submission of the report and items by the CWG with Members in order to finalise recommendations to Council for final approval.

IMPLICATIONS

FINANCIAL & RISK IMPLICATIONS

Name & Title: Jacqueline Van Mellaerts, Director of Corporate Resources (Section 151)

Tel & Email: 01277 312500/ jacqueline.vanmellaerts@brentwood.gov.uk

16. There are no direct financial implications from this report. Resources to fund the changes to the constitution have been managed within the Council's existing budget.

LEGAL IMPLICATIONS

Name & Title: Amanda Julian, Director of Law & Governance (Monitoring Officer)

Tel & Email: 01277 312500 /amanda.julian@brentwood.gov.uk

17. Local Government Act 2000 Section 37(1) requires a Local Authority to prepare and keep up to date a Constitution. Article 12 of the Constitution provides that a report of the Constitution Working Group should be brought to Ordinary Council with recommendations on the changes required.

ECONOMIC IMPLICATONS

Name & Title: Phil Drane, Director of Planning & Economy

Tel & Email: 01277 312500/ philip.drane@brentwood.gov.uk

18. The Council is committed to growing the local economy. A clear governance process for determining planning applications aids the role of the local planning authority when supporting economic growth.

Equality and Diversity Implications

Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager

Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk

19. The local authority should have due regard to the Equality Act 2010 and in particular Section 149 The Public Sector Equality Duty in the exercise of its functions.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

Background Papers

None

Appendices to this report

Appendix A –Proposed additions to the Planning Chapter

Appendix B - Proposed additions to paragraphs 7, 9 and 27 (Part 4.1 - Council Procedure Rules).