

## COUNCIL - MONDAY, 6 NOVEMBER 2023

### Report of the Cabinet

#### CHANGES TO THE CONSTITUTION

##### Purpose of Report

To consider recommendations of the Cabinet in respect of changes to the Constitution relating to procedures for dealing with planning applications and other planning matters, and to the composition of the Audit Committee.

##### Recommendations

1. that the changes to the Constitution set out in Appendix A to the Cabinet report (attached as an Annex and revised in Appendix A to include an amendment agreed by Cabinet) be made with effect from 1st December 2023 and that the Monitoring Officer be given delegated authority to make any further consequential changes that arise elsewhere in the Constitution;
2. that the composition of the Audit Committee, set out in section 12.3 of the Constitution, be changed from one independent person to two independent members of the Audit Committee.

##### Reasons

1. To implement improvements to procedures for dealing with planning applications and other planning matters following an independent service review.
2. To enable the authority to meet the best practice set down by CIPFA the constitution of the authority needs to be amended to enable the committee to appoint two co-opted independent members.

##### Policy Justification and Previous Decisions

At its meeting on 12th October 2023, the Cabinet considered a report of the Head of Planning and Growth and the Head of Governance and Human Resources to consider changes to the Constitution relating to procedures for dealing with planning applications and other planning matters, and to the composition of the Audit Committee. That report is attached as an Annex and sets out policy justification in respect of the matter. The report is revised in Appendix A to include an amendment agreed by Cabinet (amendment detailed below).

The following extract from the Cabinet minutes details the Cabinet's consideration of the matter:

*"37. CHANGES TO THE CONSTITUTION*

*Considered, a report of the Head of Planning and Growth and the Head of Governance and Human Resources to consider changes to the Constitution relating to procedures for dealing with planning applications and other planning matters, and to the*

composition of the Audit Committee, for recommendation to Council (item 8 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

## **RESOLVED**

1. that it **be recommended to Council** that the changes to the Constitution set out in Appendix A to the report be made with effect from 1st December 2023 and that the Monitoring Officer be given delegated authority to make any further consequential changes that arise elsewhere in the Constitution, subject to the following amendment to Appendix A (shown underlined):

### *II. Delegation of Council Functions to the Head of Planning and Growth*

*Proposed new paragraph "To determine planning applications with a resolution from the Plans Committee to grant planning permission subject to S106 legal agreement where that legal agreement has not been signed by a date specified in a committee resolution or date otherwise agreed with the applicant, in consultation with the Chair of Plans Committee."*

2. that it **be recommended to Council** that the composition of the Audit Committee, set out in section 12.3 of the Constitution, be changed from one independent person to two independent members of the Audit Committee.

### Reasons

1. To implement improvements to procedures for dealing with planning applications and other planning matters following an independent service review.
2. To enable the authority to meet the best practice set down by CIPFA the constitution of the authority needs to be amended to enable the committee to appoint two co-opted independent members."

### Implementation Timetable including Future Decisions and Scrutiny

It is proposed that changes agreed by Council take effect from 1st December 2023. The Scrutiny Commission undertook pre-decision scrutiny of the Cabinet report at its meeting on 9th October 2023.

### Report Implications

All detailed in the Cabinet report, attached as an Annex.

Key Decision: No

Background Papers: None additional to those listed in Cabinet Report

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