

HARBOROUGH DISTRICT COUNCIL
MINUTES OF THE MEETING OF THE
CONSTITUTIONAL REVIEW COMMITTEE

held in the Council Chamber

22nd February 2011

commencing at 6.30p.m.

Present:

Councillor Everett (Chairman)

Councillors: Dr. S. Hill, King, Mrs. Page, B. Smith and Mrs. Wood.

Officers: E. O'Neill and V. Wenham

Apologies for absence were received from Councillors Dunton, Galton, Mrs. A. Hill and Mrs. Robinson.

548 MINUTES

RESOLVED that: the Minutes of the Constitutional Review Committee held on 26th January 2011 be approved and signed by the Chairman as a true record.

549 AMENDMENTS TO THE SCHEME OF DELEGATION FOR DEVELOPMENT CONTROL DECISIONS

A. Eastwood, Development Control Manager, presented this report to the Panel. The purpose of the report was to seek changes to the Scheme of Decision Making for Development Control Decisions in order to improve efficiency of the Development Control Service.

The Committee was asked to consider the following recommendations:

1. Include at Constitution paragraph C 1.5 (3.1) that officers may exercise power in matters relating to Non-Material Amendments.

Reason

This would will correct an existing anomaly. The Constitution does not refer to introduced Non Material Amendment (NMA) application type introduced in 2009.

2. Include at Constitution paragraph C 1.5 (3.1) that officers may exercise power in matters relating to planning appeals subject to notification of local ward member(s) if officers are seeking to depart from a planning committee decision; and

Reason

This would correct an existing anomaly whereby appeals are not mentioned in the constitution. Officers' progress appeals to meet strict timetables set out by the Planning Inspectorate. This is usually without reference to planning committee. A May 2010 planning committee report confirmed the Council performs favourably defending decisions at appeal. This recommendation will clarify the existing practice and involve ward members if action contrary to a planning committee decision is proposed.

3. Insert at Constitution paragraph C 1.5 (3.2d) 'other than notifications and approvals under 3.1 (d) & (f) (ie remove the need for committee to consider prior notifications for agriculture etc and tree works where the applicant is a member or officer of the Council)

Reason

Tree and agricultural notifications including those proposed by members and officers are usually relatively minor. They are also effectively deemed to be approved if the Council does not take a decision in a 56 day period. When a relevant notification has been previously reported to committee it has usually been by brief verbal or written report. If accepted this recommendation removes the need to report some very minor proposals to committee solely because a member/officer is involved.

The Committee RESOLVED that the above amendments to the Council's Constitution be made subject to Recommendation 3 being reworded to read:

'notifications made under The General Permitted Development 1995 and approvals under 3.1 (d) & (f) (ie remove the need for committee to consider prior notifications for agriculture etc and tree works where the applicant is a member or officer of the Council)'.

550 REVIEW OF THE COUNCIL'S CONSTITUTION

The Committee considered an updated version of the Council's Constitution. Comments were invited and the following points noted:

- (i) the final version of the document should contain a comprehensive index.
- (ii) the final version of the document should have its pagination on display at the foot of each page.
- (iii) footnotes on each page should indicate where in the document the reader currently is.
- (iv) the forthcoming, and all future, versions of the document should include a 'version number' for the avoidance of doubt.
- (v) The Constitution should be uploaded to the Council's website for public viewing and the on-line version of the document should include hyperlinks to relevant sections within it. Reference to this should be made under Section 16.
- (vi) Re. Part 2, Article 4: the need for the terms 'Best Value Performance' and 'Local Agenda' should be clarified. These can be deleted if they are no longer relevant.
- (vii) reference should be made to the newly-formed Governance and Audit Committee under Article 7. Scrutiny of Audit and Accounts should consequently be removed from the description of the Scrutiny Resources Panel.
- (viii) the descriptions of the functions of the Scrutiny Panels are, in their current form, inadequate. These should be revised for inclusion in the final version of the document. The description of the Scrutiny Panel for Places should include reference to support for local businesses.
- (ix) under Article 10, references to 'Community Forums' should be deleted.
- (x) Part B, paragraph 7.2 (b) should be reworded to read: 'except where authorised by a statute or ordered by the Council, the quorum shall be the nearest whole number of Members equal to or above fifty per cent of the total membership of the Committee.'
- (xi) Part B, paragraph 9.3 refers to 'The State of District Committee'. If this section is no longer relevant it should be deleted.
- (xii) Part 3, Section D should be amended to reflect the new Howard Watson Memorial Committee scheme.
- (xiii) Declaration of Part Whips should be added under Part 4.
- (xiv) a section setting out Members' allowances should be added.

The Committee RESOLVED that:

- (i) amendments to the Council's Constitution be made as set out above.
- (ii) the final version of the revised Constitution be presented at Full Council in April 2011.
- (iii) a fully-revised version of the Council's Constitution be emailed to all Members of the Committee as soon as possible prior to presentation to Full Council.

551 MATTERS OF SPECIAL URGENCY

The Committee expressed concern that the Governance and Audit Committee was not yet operating with an independent Chairman.

The Meeting ended at 8.25p.m.