

Bath & North East Somerset Council

MEETING:	Council	
MEETING DATE:	11th July 2019	
TITLE:	Amendments to the Constitution	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 – Constitution sections for review Appendix 2 – Planning Delegation scheme		

1 THE ISSUE

- 1.1 The Constitution is a single point of reference which contains the principal governance structures and procedures of the authority. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 This report sets out various proposed amendments to the Constitution to ensure that it is kept up to date and effective.

2 RECOMMENDATION

The Council is asked to;

- 2.1 Agree the amendments to the various constitution sections, as a result of the reduced Council size, as set out in paragraph 3.1 and Appendix 1; and
- 2.2 Agree the revised Planning Delegation scheme for adoption (attached at Appendix 2) for the reasons set out at paragraph 3.2.

3 THE REPORT

3.1 Local Government Boundary Review – Implications of Revised Councillors Numbers

The recent Local Government Boundary Review has resulted in the size of the Council reducing from 65 to 59 Members. It is therefore timely to review any Constitutional rules which make reference to a number or percentage of Councillors. Appendix 1 sets out those rules and proposes a revised number.

3.2 Changes to the Planning Delegation scheme

(1) Vice Chair

It is proposed to extend the scheme of delegation to require consultation by officers with both Chair and Vice Chair. Following the appointment of a permanent Vice Chair, referrals to committee will be decided by the Chair and the appointed Vice Chair. If there are different views, the Chair's decision will prevail. The Chair or Vice Chair will be the sole decision maker during absence by the other. This is necessary to ensure continuity of service and avoid delays in the planning process.

(2) Viability appraisals

It is proposed that the scheme of delegation is amended to confirm that any planning application which is subject to a viability assessment challenging policy compliance will be reported to Planning Committee. This is to ensure that decisions on these matters are transparent and discussed in the public domain. This sends a clear message that there is a commitment to delivering affordable housing within the district as set out within the Liberal Democrat manifesto.

(3) Material departures from approved major applications.

Where an applicant proposes significant material changes to an approved major application this shall be referred to the Chair and Vice Chair to determine if the changes should be reconsidered by the Planning Committee. As with viability assessments above, the Chair shall have a prevailing decision on referral.

(4) Aequus Developments Limited (ADL)

The scheme of delegation has been amended to clarify how planning applications submitted on behalf of ADL will be dealt with. These applications will be treated in the same way as applications submitted by any other developer/applicant, which is in line with the Council's draft protocol for ADL.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2011 and any other relevant statutory acts or guidance.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 Viability appraisals will be independently scrutinised by appropriately qualified specialists. There is a potential risk of judicial review or cost being awarded against the Council at appeal if Members seek to overturn recommendations in relation to planning obligations where the viability assessment have been subject to independent assessment. If members are unable to evidence and qualify a recommendation to overturn, this exposes the council to a resource risk, financial risk, legal risk and reputational risk.

5.2 There are no financial or property implications arising directly from the other constitutional changes. The proposed change to the question submission deadline has a small impact on the public.

6 RISK MANAGEMENT

6.1 Considered as part of the formulation of proposals.

7 CLIMATE CHANGE

7.1 There are no direct implications arising from this report.

8 OTHER OPTIONS CONSIDERED

8.1 If the Constitution is not amended, it will not be robust enough to support effective decision making processes at Council, or reflect the correct legal position.

9 CONSULTATION

9.1 The Chief Executive, Section 151 Officer and Chair of the Planning Committee were consulted in preparing this report.

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Background papers	<i>The Constitution.</i>
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