

## Bath & North East Somerset Council

MEETING:	<b>Council</b>	
MEETING DATE:	<b>23<sup>rd</sup> July 2020</b>	
TITLE:	<b>Amendments to the Constitution</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Appendix 1 – Planning Delegation scheme (with tracked changes) Appendix 2 – Proposed appendix to Code of Conduct: Advice Note for Councillors on Bullying and Harassment		

### **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 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 revised Planning Delegation scheme for adoption (attached at Appendix 1) in relation to the points as described in section 3.1 – 3.3
- 2.2 Agree to adopt the Advice note on Bullying & Harassment (attached at Appendix 2) as an appendix to the Code of Conduct, as described in section 3.4.

### **3 THE REPORT**

#### Planning Delegation scheme

- 3.1 It is proposed that an additional exception to the Planning delegation scheme is added regarding power generation so that all applications for fossil fuel exploration or extraction; or for commercial infrastructure for energy generation using fossil fuels are referred to the Planning Committee, as set out in the attached delegation scheme (page 4 of the appendix).
- 3.2 It is proposed to extend the call-in period for ward members to 5 weeks from the weekly list instead of 4 weeks.
- 3.3 It is proposed that all Council and ADL applications, involving more than two properties, will be reported to the Planning committee unless the Chair of the Planning Committee deems them too trivial, in which case they will be dealt with under officer delegation.

#### Advice Note on Bullying and Harrassment

- 3.4 The Council's Standards Committee in their annual review of the Code of Conduct considered the issue of guidance on bullying and recommended that Council agree this advice note be appended to the Code.

### **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 In relation to the change to the Scheme of Delegation, additional applications will be reported to the Development Management committee. There will be some increased officer time to be absorbed within existing resource. There may be some delays to applications and effects on performance that will be mitigated using extensions of time.

### **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

### **7 CLIMATE CHANGE**

- 7.1 Applications for development using fossil fuels will be considered in open and transparent forum in recognition of the Councils commitment to climate impacts.

### **8 EQUALITIES**

- 8.1 The changes are not considered to generate any inequalities requiring assessment.

### **9 OTHER OPTIONS CONSIDERED**

9.1 If the Constitution is not amended, it will not reflect the Council's commitment to climate emergency and for major decisions on Council and ADL applications to be considered by the Planning Committee.

## 10 CONSULTATION

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

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<b>Background papers</b>	<i>The Constitution.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	