

Meeting of the Full Council
Meeting to be held on Thursday, 22 February 2018

Report submitted by: Head of Legal and Democratic Services

Part A

Electoral Division affected:
None;

Amendments to the Constitution - Development Control Committee and Regulatory Committee

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Executive Summary

This report proposes changes to the Council's Constitution in relation to the Development Control Committee and the Regulatory Committee as follows:

- i. To enable Cabinet Members to speak at meetings of the Development Control and the Regulatory Committee on issues of local interest.
- ii. To make training on Development Control matters mandatory for any member of the Development Control Committee.

Recommendation

Full Council is asked:

- (i) To approve the changes, as set out in the report, to Standing Order 19(2) and to the Terms of Reference of the Development Control Committee.
- (ii) Subject to the approval of (i) above, to authorise the Director of Corporate Services to make any other consequential changes to the Council's Constitution arising from this report.

Background and Advice

Cabinet Members right to speak at Development Control and Regulatory Committee

Standing Order (SO) 19 relates to the right of Members to attend and speak at Committee of which they are not a member. The current wording of the relevant section is:

- "19.** (1) Subject to Standing Orders 19(2) and 19(4), and to the provisions of "the Councillors Code of Conduct, any Councillor may attend meetings of the Cabinet and any Committee including those of which they are not a member. They may not speak without the consent of the Cabinet or Committee, or in any case vote.
- (2) Cabinet Members shall not be members of the Development Control Committee or the Regulatory Committee and shall not be entitled to attend meetings of those Committees by virtue of Standing Order 19(1)."

SO 19(2) was intended to prevent any potential conflict between the role of the executive and the committee, and it remains important that this is the case. However, it also has the effect of preventing members of the Cabinet speaking as local representatives on matters of interest in their own area. This is clearly unfair on members of the Cabinet and to people living in their divisions. It is therefore proposed to change the wording of SO 19(2) to:

- (2) Cabinet Members shall not be members of the Development Control Committee or the Regulatory Committee but shall be entitled to attend any part of a meeting of those Committees in accordance with Standing Order 19(1) where a matter affecting their electoral division is under discussion.

Mandatory Training

It is recognised that the Development Control Committee deals with very important and complex issues, and Members taking those decisions need to have a good understanding of the legal and regulatory framework in which they operate. Whilst regular training is provided, it is currently not mandatory for members of the Committee to undertake this training.

It is felt that making the training mandatory for any Member who wishes to serve on the Committee will result in better informed and more robust decision making.

To achieve this aim, the following will be added to the Committee's Terms of reference:

"All members of the Committee must:

- i. Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work.
- ii. Undertake further mandatory training on an ongoing basis whilst they continue to be members of the Committee"

The decision on whether training is mandatory will lie with the Monitoring Officer. All Members will be informed in advance if training is mandatory.

This requirement will apply to both regular 'permanent' members of the Committee, and also to any Members who are appointed as replacement 'temporary' Members. All mandatory training will be open to all County Councillors to ensure that there are Members with the necessary knowledge and understanding to act as replacements should they be required to do so.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no legal or financial implications. The proposals in relation to mandatory training will help ensure decisions made by the Development Control Committee are robust in the face of potential challenge.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A