

**ITEM 9(c) – FOR INFORMATION**

<b>AUDIT COMMITTEE</b>	<b>AGENDA ITEM No. 11</b>
<b>26 JUNE 2017</b>	<b>PUBLIC REPORT</b>

Report of:	Kim Sawyer, Director of Governance	
Cabinet Member(s) responsible:	Councillor Seaton, Cabinet Member for Resources	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

**UPDATES TO THE CONSTITUTION**

R E C O M M E N D A T I O N S	
<b>FROM:</b> <i>Member, Officer, and Constitutional Review Working Group</i>	<b>Deadline date:</b> <i>19 July 2017</i>
<p>It is recommended that the Audit Committee recommend to Council:</p> <ol style="list-style-type: none"> <li>1. Agreement to suspend standing order 29.2 to allow for variation of Council Standing Orders with the item standing adjourned;</li> <li>2. Approval of the updated Regulatory Committee Functions (Appendix A);</li> <li>3. Approval of the updated Council Standing Orders (Appendix B);</li> <li>4. Approval of the updated General Standing Orders (Appendix C); and</li> <li>5. Approval of the updated Petition Scheme (Appendix D).</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to the Audit Committee following a referral from the Member, Officer, and Constitutional Review Working Group on 26 April 2017 and 14 June 2017.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to provide to obtain the Committee's views on proposed amendments and updates to the Council's constitution, including Regulatory Committee Functions, Standing Orders, and Petitions Scheme.

2.2 This report is for the Audit Committee to consider under its Terms of Reference No. 2.2.1.10, 'To maintain an overview of the Council's constitution with the exception of those matters under the remit of the Executive or a regulatory committee.'

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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## **4. BACKGROUND AND KEY ISSUES**

### **Part 3, Section 2 - Delegations (Appendix A)**

- 4.1 Changes have been proposed within this document in two specific areas. The first is the section outlining the process for call-in of Planning and Environmental Protection Committee decisions to the Planning and Appeals Review Committee.
- 4.2 Following a decision of the Planning and Environmental Protection Committee being called-in earlier this year, it was brought to light that the procedures around calling in items required further clarity.
- 4.3 The key points for Members to note are:
- The requirements introduced to provide sufficient reasoning for the call-in, on material planning grounds or procedural grounds;
  - The validation of the call-in; and
  - Clarity around the speaking scheme in place for the Planning and Appeals Review Committee.
- 4.4 Amendments have also been suggested to the powers delegated to officers around protected trees and emergency Article 4 Directions, following a request from officers.
- 4.5 The Member, Officer, and Constitutional Working Group suggest further changes to the Planning and Environmental Protection Committee referral guidance to ensure that, when Members or Parish Councils, refer an item to the Committee, sufficient Planning Grounds are provided. It is also noted that those making referrals would be expected to attend the Committee, where possible.

### **Part 4, Section 1 - Council Standing Orders (Appendix B)**

- 4.6 It is suggested that amendment be made to the Council Standing Orders in the following areas:
- To allow for the debate of a petition, should the relevant trigger point be met;
  - To restrict questions on notice so that no question can be asked that is substantially the same as a question asked within the previous 6 months; and
  - To include a requirement that any motion that rescinds a decision taken in the previous 6 months be signed by 5 members *from more than one Political Group*.
- 4.7 A further amendment is suggested to remove Council Standing Order 29.2, which requires variations to the Standing Orders to be moved at a meeting of Council, with debate postponed to the following meeting. This requirement was put in place to ensure that all variations to Standing Orders were given due consideration. However, as any proposed changes to Standing Orders are now required to first be agreed by the Audit Committee, it is suggested that this Standing Order is superfluous.

### **Part 4, Section 4 - General Standing Orders (Appendix C)**

- 4.8 The amendments proposed to the General Standing Orders are straightforward, to take into account the new Scrutiny arrangements.

### **Part 5, Section 9 - Petition Scheme (Appendix D)**

- 4.9 Earlier in the 2016/2017 municipal year Full Council debated a petition which had met the relevant trigger point set out in the Council's Petition Scheme. During this process, it was considered that the Petition Scheme should be updated to include the full procedure for a petition debate at Council.
- 4.10 This proposed procedure is set out in the attached scheme.

## **5. CONSULTATION**

5.1 The Member, Officer, and Constitutional Working Group considered the proposals at its meetings on 26 April 2017 and 14 June 2017, making the above recommendations.

5.2 Group Leader's have further been consulted on the proposals, with no additional suggestions received.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 It is anticipated that, should the proposed amendments be made to the constitution, the changes will provide greater clarity on the procedures for both call in of Planning and Environmental Protection Committee decisions, and Full Council's debate of petitions. The changes proposed to the Council Standing Orders will ensure a debate remains relevant and focused.

## **7. REASON FOR THE RECOMMENDATION**

7.1 The recommendations are made to the Audit Committee to ensure that the Constitution is as up to date and meaningful as possible, and provides clarity on all relevant procedures contained within.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

### **To Maintain the Constitution in its Current Form**

8.1 This option was dismissed, as to do so would leave the relevant sections of the Constitution unclear and inaccurate.

## **9. IMPLICATIONS**

### **Financial Implications**

9.1 There are no financial implications arising from this decision.

### **Legal Implications**

9.2 There are no legal implications arising from this decision.

### **Equalities Implications**

9.3 There are no equalities implications arising from this decision.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Peterborough City Council Constitution

## **11. APPENDICES**

Appendix A - Regulatory Committee Functions

Appendix B - Council Standing Orders

Appendix C - General Standing Orders

Appendix D - Petition Scheme

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