

COUNCIL

14 November 2016

CHANGES TO THE CONSTITUTION

Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Leader and Portfolio Holder for Finance and Development	
Contact Officer(s):	Debbie Mogg, Monitoring Officer	01572 758358 dmogg@rutland.gov.uk
Ward Councillors	Not Applicable	

DECISION RECOMMENDATIONS

That Council:

1. Notes and approves the revision to the list of statutory Proper Officers set out at Appendix A to this report;
2. Approves the revision to Procedure Rule 20 (6) to allow substitutions on the Development Control and Licensing Committee on the condition that any substitute has received the appropriate training;
3. Approves that attendance at annual planning training should be mandatory for all Members; and
4. Authorises the Monitoring Officer to update the Constitution accordingly.

1 PURPOSE OF THE REPORT

- 1.1 To ensure that the list of Proper Officers remains up to date in light of personnel changes in the organisation.
- 1.2 To amend the constitution to allow for substitutions on the Development Control and Licensing Committee subject to any members substituting having received the appropriate training.

2 BACKGROUND AND MAIN CONSIDERATIONS

Amendments to the List of Proper Officers

- 2.1 The Council's Constitution contains a list of Proper Officer designations for statutory purposes. The current list has been updated to recognise changes in the establishment which should be incorporated within the Constitution.
- 2.2 Local Authorities are required by various statutes to make, and subsequently maintain, appointments to a number of specified offices. Those individuals who are appointed to these offices are commonly referred to as 'Proper Officers'. This term is generally used to refer to those officers who alongside their day to day roles have specific responsibilities, as set out in legislation.
- 2.3 Following a recent change in personnel, the Proper Officer list has been updated and reviewed.
- 2.4 Although it is not incumbent on Council to approve each Proper Officer appointment, there are certain positions that do need full Council approval such as the Statutory Scrutiny Officer designation. The changes made to this list of Proper Officers are shown in Appendix A as highlighted text.

Amendments to the Rules on Substitution for the Development Control and Licencing Committee (DC&L)

- 2.5 Council Procedure Rule 20 (6) currently states:

An authorised representative of a political group may notify the substitution of a member of that group to attend a given meeting or a number of meetings within a specific time period on its behalf provided that this right of substitution shall not apply to individual meetings of the Development Control and Licensing Committee (DC&L).

- 2.6 The historical reason for not allowing substitutes for individual meetings of this committee was due to the fact that all Members had not received the appropriate training. It was also considered advantageous that Members sitting on this committee had a degree of experience in planning matters. Previously the training had been provided at the start of the 4 year Council period and was only mandatory for DC&L Members.
- 2.7 The Constitution Review Working Group (CRWG) considered amendments to the rules on substitution for DC&L committee at their meeting on 23 September 2016, it was noted that substitution at individual meetings of DC&L should be on an exceptional basis only to ensure consistency and that the most experienced members regularly sit on the committee.
- 2.8 The CRWG AGREED:
- i) That PR20 (6) be amended to allow for substitution at individual meetings of DC&L provided the substitute has received the appropriate training; and
 - ii) That annual planning training should be mandatory for all Members.
- 2.9 It is proposed that Procedure Rule 20 (6) is amended as follows:

An authorised representative of a political group may notify the substitution of a member of that group to attend a given meeting or a number of meetings within a specific time period on its behalf. This right of substitution will only be permitted for the Development Control and Licensing Committee (DC&L) provided that the member specified has attended approved training within the last 12 months in the quasi-judicial functions of the committee. This is a requirement of Membership under Part 3, Section 3 of the Constitution (Responsibility for Functions).

3 CONSULTATION

3.1 Consultation was undertaken with the officers involved in the changes to Proper Officers.

3.2 The CRWG was consulted on the amendments to the DC&L Committee.

4 ALTERNATIVE OPTIONS

4.1 If the list of proper officers was not updated it would be incorrect and the Council would not be fulfilling its obligations to appoint officers as proper officers.

4.2 The Procedure Rule regarding substitutions on DC&L Committee could remain unchanged.

5 FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from amendments to Proper Officers as detailed in this report.

5.2 Planning training will be provided by Legal Services and the cost will be met from existing budgets.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 A Proper Officer is a term widely used in Local Government and is defined in Section 270(3) of the Local Government Act 1972 as 'an officer appointed for that purpose by that body'. It is the correct appointment of a Proper Officer that gives that person the power to act in a specific professional capacity.

6.2 Each Council is required to maintain a list specifying the powers which, for the time being, are exercisable by officers and stating the title of the officer by whom each power is exercisable under s.100G(2) of the Local Government Act 1972. Arrangements for the discharge of a power by an officer for a specified period not exceeding six months are excluded from this requirement.

6.3 Legal Services have been consulted and they have confirmed that there is no legal reason for not allowing substitutions at individual meetings of DC&L as long as the appropriate training has been attended.

7 EQUALITY IMPACT ASSESSMENT

7.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

8 COMMUNITY SAFETY IMPLICATIONS

8.1 There are no community safety implications arising from this report.

9 HEALTH AND WELLBEING IMPLICATIONS

9.1 There are no health and wellbeing implications arising from this report.

10 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

10.1 Due to the internal changes to staff the Council is required to appoint Proper Officers and this Full Council meeting is the first opportunity to do this following those personnel changes.

10.2 To ensure that all Members have appropriate training on planning issues and that this training is updated each year.

10.3 To allow the constitution to be updated so that substitutions can be allowed for DC&L subject to attendance at the appropriate training.

11 BACKGROUND PAPERS

11.1 There are no additional background papers.

12 APPENDICES

12.1 Appendix A – List of Proper Officers from Section 5 of Part 8 of the Constitution.

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