

PART A

Report to: Council
Date of meeting: 20th May 2015
Report of: Head of Democracy and Governance
Title: Changes to the Constitution

1.0 SUMMARY

- 1.1 The Constitution Working Party met on 30 March 2015 to consider a number of changes to the Constitution.
- 1.2 The Working Party agreed to make recommendations to Council with respect to the following:
That the Chairs of Outsourced Services Scrutiny Panel, Budget Panel and the Community Safety Partnership Task Group all be appointed from members of the Overview and Scrutiny Committee.
That following the establishment of the Property Investment Board by Cabinet that for matters within the Board's terms of reference the key decision and call in limit be raised to £500,000.
That Development Control Committee be renamed Development Management Committee.

2.0 RECOMMENDATIONS

- 2.1 That for a member to be appointed as a chair of either the Outsourced Services Scrutiny Panel, Budget Panel or Community Safety Partnership Task Group that member must be a member of the Overview and Scrutiny Committee.
- 2.2 That for all matters falling within the terms of reference of the Property Investment Board the key decision and call in financial limit be £500,000 or more.
- 2.3 That the current Portfolio Holder call in limit of £10,000 be removed and that for all matters other than those within 2.2 the key decision and call in limit be £50,000 or more
- 2.4 That Development Control Committee be renamed Development Management Committee

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3.0 DETAILED PROPOSAL

- 3.1 The Constitution Working Party met on the 30 March 2015 and considered three topics for potential change to the Constitution.
- 3.2 The first related to a request to review the terms of reference of the Outsourced Services Scrutiny Panel. Whilst the Working Party felt that the terms of reference for the Panel did not need to be recommended for review the Working Party did feel that a useful convention to adopt would be that the member chairing one of the sub groups of the main Overview and Scrutiny Committee namely, Outsourced Services Scrutiny Panel, Budget Panel and Community Safety Partnership Task Group must also be a member of the Overview and Scrutiny Committee. It was felt by the Working Party that by requiring this the main Overview and Scrutiny Committee would be better placed to oversee their work and Chairs could feed back on meetings without having to be especially invited.
- 3.3 March Cabinet set up a Property Investment Board. This followed a recommendation from the consultants Lambert Smith Hampton who undertook the property review. The idea of the Board is that it oversees and manages the Council's Property Investment Portfolio. The rationale for the Board is that in managing investment properties it needs to be recognised that they are held to produce an income. Therefore, as with financial instruments, special provisions are required to enable rapid decision making.
- 3.4 Currently the Council's key decision limit is £50,000. This is also the call in limit for officer decisions. For decisions taken by Portfolio Holders the limit is £10,000. The Working Party felt that these limits were far too low for enabling effective fast decision making in relation to the matters within the Property Investment Board's remit and is recommending to Council that for those matters only the key decision and call in limits be raised to £500,000 or more. The Working Party also felt that having a separate Portfolio Holder call-in limit should be removed and that for all other decisions key decisions and call-in should remain at £50,000 or more.
- 3.5 Thirdly the Working Party are recommending that Development Control Committee be renamed Development Management Committee.
- 3.6 The National Planning Policy Framework (NPPF) places emphasis on the need for local planning authorities to approach the determination of planning applications in a positive way to support delivery of sustainable development. One of the core planning principles in paragraph 17 of the NPPF states that planning should 'not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives'. In many ways, therefore, development management is a much broader concept than simply the control of

development. Most authorities in the country now have development management teams at officer level (as Watford has) and this terminology is increasingly reflected at member level as well. The Department of Communities and Local Government also now refers to development management rather than development control.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that there are no financial implications in this report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that the legal implications are contained in the body of the report.

4.3 **Equalities**

4.3.1 There are no implications

4.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Council does not agree to increase the key decision and call in limit for the Property Investment Board	1	4	4

Background Papers

Report of Constitution Working Party 30 March 2015

File Reference

None