

PART A

Report to: Constitution Working Party
Date of meeting: 31 March 2015
Report of: Head of Democracy and Governance
Title: Review of Constitution

1.0 **SUMMARY**

1.1 This report sets out proposals for amendments to the Constitution for recommendation to Council

2.0 **RECOMMENDATIONS**

2.1 That any proposed changes to the Constitution be recommended to Council for approval

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3.0 **DETAILED PROPOSAL**

3.1 The Constitution Working Party has had a request from the Chair of Outsourced Services Scrutiny Panel to consider the terms of reference of the Panel

3.2 At its meeting on the 22 January 2015 the Overview and Scrutiny Committee had a discussion about the terms of reference of Outsourced Services Scrutiny Panel and in particular whether the Panel should be reviewing performance information or whether

that was more appropriate for the main Overview and Scrutiny Committee. The Chair of the Panel suggested in the light of the discussion that the terms of reference for the Panel be referred to the Constitution Working Party for them to give a view to Council on the Panels Terms of Reference.

- 3.3 The Terms of Reference of Outsourced Scrutiny Panel are:-
- To scrutinise outsourced services including all the services included in the Three Rivers District Council and Watford Borough Council Shared Services Agreement
 - To monitor performance and outcomes of outsourced services including the services included in the Three Rivers District Council and Watford Borough Council Shared Services Agreement
 - To invite any members of Three Rivers District Council to participate in any scrutiny of any aspect of the Three Rivers District Council and Watford Borough Council Shared Services Agreement. Provided those members have not been involved in any decision making in respect of the services being scrutinised.
- 3.4 Cabinet on 9 March 2015 agreed to the establishment of a Property Investment Board chaired by the Portfolio Holder with responsibility for property and made up of members and officers with external professional advice to oversee and manage the Council's Investment Property Portfolio.
- 3.5 The rationale for establishing the Board which came out of recommendations from the Property Review is that in managing investment properties it needs to be recognised they are held to produce an income. Therefore, as with financial instruments, special provisions are required to enable rapid decision making. This might require changes to Standing Orders and authorisation requirements.
- 3.6 Whilst it is entirely within the gift of the Mayor to alter limits of delegation relating to property the constitution also puts certain constraints on how those delegations are exercised that could potentially hold up decision making and the Council being in a position to react rapidly to changing market conditions or taking an opportunity.
- 3.7 The constitution currently has a financial limit of £50,000 over which any expenditure or saving is classed as a key decision and therefore any consideration of taking such a decision has to be put in the Notice of Executive Decisions at least 28 clear days in advance of the decision to be taken. If a key decision needs to be taken that has not been put in the Notice then it has to be approved in advance by the Chair of Overview and Scrutiny. Also currently any decisions taken by a Portfolio Holder (who is the named decision maker for the Property Investment Board) involving expenditure or saving of £10,000 or more is subject to call in after the decision is made. This means that any decision taken will come into effect at least 7 working days after the decision has been taken or if it is called in a considerable time after that.
- 3.8 In order for the Property Investment Board to operate effectively the Working Party is asked to review these limits. For example the County Council's key decision limit is anything above £500,000.
- 3.9 The Chair of Development Control has made a request for the Working Party to reconsider changing the name of Development Control to Development Management.

- 3.10 Councillor Martins feels that the points he made to justify the change of name when the Working Party met last year are still valid, namely that planning committees had a responsibility to look at implications of planning applications in the round taking into account the broad implications of the proposed development and long term aspirations for the town and locality. For example, committees needed to be mindful of the pressures a single large residential development or a series of smaller residential developments would put on schools and doctors surgeries in the area
Councillor Martins feels that adopting the practice that a number of other councils have done of changing the name of their Development Control Committee to Development Management Committee would reflect that wider brief.
- 3.11 Development management is a positive and proactive approach to shaping, considering, determining and delivering development proposals which covers the whole development process, from pre-application advice to implementation and enforcement. It is led by the Council as the local planning authority, working closely with those proposing developments and other stakeholders, as it receives and considers the merits of planning applications and whether the developments proposed should be given permission.

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 the 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 and this terminology is becoming increasingly reflected at member level as well. The Department for 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 the financial implications are contained in the 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 report.

4.3 **Equalities**

- 4.3.1 There are no equalities implications

4.4 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
<i>Limits remain the same and therefore the Council is unable to react quickly enough to an investment opportunity</i>	2	4	8
<i>Limits are raised and members lose the ability to call-in decisions</i>	1	2	2

Background Papers

*"No papers were used in the preparation of this report".

File Reference

- "none".