



<u>Committee and date</u>	<u>Item</u>	<u>Paper</u>
Council		
16 July 2009		
10.00 a.m.	Public	

MISCELLANEOUS AMENDMENTS TO THE CONSTITUTION

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Summary

The Shropshire Council Constitution has been reviewed following the commencement of its operation on 1 April 2009 and various amendments are proposed within the body of the report.

Recommendations

- A. To adopt the various amendments that are set out within the body of the report and outlined by way of track changes in the Appendices.

Report

1. Members will be aware that the new Shropshire Council Constitution was agreed by the Implementation Executive and the County Council in December 2008 and February 2009.
2. The Constitution has been in operation since the 1 April 2009 which has given officers the opportunity, specifically with the operation of the interim regulatory committees and the scheme of delegation, the opportunity to review the accuracy and the practical application of some elements of the Constitution.
3. Members will find the proposed amendments highlighted within the body of the report and also shown by way of track changes in the relevant Appendices attached to this report. In addition, should Members wish to see the amendments in the context of the relevant Part of the Constitution, the relevant Parts will be available to view on the internet.

AMENDMENTS – LICENSING

4. Members will find the proposed amendments as far as licensing matters are concerned at Appendix 1. The amendments clarify the remit of the committees in that it is made clear that the Strategic Licensing Committee is the licensing committee which has been established in accordance with the Licensing Act 2003. The position of substitutes on the Strategic Licensing Committee when considering applications under the Licensing Act 2003 is also made clear in that no substitutes are permitted by the legislation when such applications are to be considered.
5. In addition the remit of the Area Licensing Committees is further clarified with specific reference to the relevant legislation and that the committees deal with all licensing functions not within the remit of the Strategic Licensing Committee.
6. The specific mention of the sub committees that are to be appointed by the Strategic Licensing Committee has been deleted and each sub committee will be drawn from the membership of the Strategic Licensing Committee as and when required by the Assistant Director Public Protection or the Public Protection Area Managers under delegated authority.

OVERVIEW AND SCRUTINY PROCEDURE RULES

7. In order to clarify the remit of the Strategic Overview and Scrutiny Committee, the Community Service Scrutiny Committee and the Development Services Scrutiny Committee the amendments set out at Appendix 2 are proposed.

PROTOCOL ON THE USE OF COUNCIL FACILITIES

8. The Standards Committee on 8 May 2008 agreed that the number of Member surgeries per month should be increased to two. The relevant amendment is attached at Appendix 3. The final ratification of this decision is required by Council.

DELEGATIONS TO OFFICERS (PUBLIC PROTECTION)

9. In a review of the legislation list that appears within the delegations to the Assistant Director Public Protection and the Heads of Public Protection certain pieces of legislation appear to have been omitted and the required additions are to be found at Appendix 4.

DELEGATIONS TO OFFICERS (PLANNING)

10. The changes proposed to the delegations with regard to planning matters relate to the triggers where applications are referred to the relevant area regulatory committee. The idea is to clarify the present situation which states that an application where six or more representations have been received (relating to material planning reasons) is referred to committee irrespective of whether the officer's recommendation is contrary to those representations or not. The new wording states that the trigger will be when six or more representations expressing a contrary view have been received and relate to a material planning reason. The new wording is to be found at Appendix 5.

11. Again to clarify the circumstances when a petition is submitted Members will find the amendment at Appendix 5 which provides that when a petition expressing a contrary view on planning grounds signed by a minimum of 30 persons is received then this triggers a referral to the relevant area regulatory committee.

CONCLUSION

12. Members are therefore asked to endorse the amendments to the Constitution as set out within the body of this report and the attached Appendices.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Various reports adopting the elements of the Constitution but particularly:
Implementation Executive Reports various
Shropshire County Council Report dated 27 February 2009.

Human Rights Act Appraisal

There are no particular human rights considerations that arise from the recommendation contained within this report.

Environmental Appraisal

There are no particular environmental considerations that arise from the recommendations contained within this report.

Risk Management Appraisal

The Constitution needs to be reviewed and updated as a matter of course to avoid any challenges as to the Council's practices and its decision making.

Community / Consultations Appraisal

Consultation has taken place with all directorates with a view to ensuring a composite rather than piecemeal approach to amendments to the Constitution.

Cabinet Member

Councillor Keith Barrow

Local Member

All

Appendices

Appendix 1 – Licensing amendments – extract from Part 3 of the Constitution
Appendix 2 – Overview and Scrutiny Procedure Rules – extract from Part 4 of the Constitution
Appendix 3 – Protocol on the Use of Council Facilities – extract from Part 5 of the Constitution
Appendix 4 – Delegations to Officers – Public Protection – extract from Part 8 of the Constitution
Appendix 5 – Delegations to Officers – Planning – extract from Part 8 of the Constitution