

## REPORT OF THE POLITICAL STRUCTURES MONITORING GROUP

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### 1.0 Summary

- 1.1 This report seeks members' agreement to a number of constitutional changes in relation to delegations to officers, financial and contract procedure rules, the structures and operation of the Planning Committee, as well as the annual debates for holding Cabinet members, Scrutiny Chairs and Member Champions to account and the operation of the Council's petition scheme.

### 2.0 Recommendations

- 2.1 It is recommended that Council agrees:
- (a) That the Council adopts the amendments to the Scheme of Delegations to Officers, as contained in Appendix 1 to the report.
  - (b) That the Council approves the proposed changes to the Financial Rules and Contract Procedure Rules and the Key decisions thresholds, as contained in Appendix 2 to the report.
  - (c) That with effect from the next Annual Council the roles and functions of the three Area Planning Committees be extended to include the existing functions of the Strategic Planning Committee, which shall be abolished.
  - (d) That each Area Planning Committee shall meet monthly thereafter with the revised procedures being reviewed twelve months after implementation and during the interim the Head of Development Management shall report quarterly on the effects of the changes.
  - (e) That no change be made to the Council's Petitions Scheme at present but the current arrangements be reviewed following legislative changes later in the year.
  - (f) That the changes to the Council's Executive Procedure Rules, in Appendix 3 to this report be approved.

## REPORT

### 3.0 Proposed Amendments to the Scheme of Delegations for Officers

3.1 Detailed consideration was given to the proposed amendments to the present Scheme of Delegations to Officers in the light of changes to the Council's structures and specific amendments to delegations dealing with development management and traffic regulation orders. These are contained in Part 8 of the Council's Constitution and a copy of the proposed changes is attached at Appendix 1 to this report.

3.2 The Group was informed of the following comments received from the Liberal Democrats, through their Leader, Councillor Nigel Hartin:

We have some fundamental objections which specifically relate to the proposed changes:

- (1) The removal of Members automatic right to refer contentious applications to Committee.
- (2) The removal of Parish Councils right to refer to committee if views different to recommendations from officers.
- (3) The removal altogether of the ability for individual objectors to force an item to committee.

More specifically, we are concerned that the members and Parish Councils rights to have an item put before committee will now be filtered by having to have both officer and chair or vice-chair agreement that matters of concern are "material considerations". This puts yet another layer of control in the hands of the Council and away from the community. The really serious anti-localism move is that to remove the ability of the community to show their concern by forcing an issue to be debated at open committee.

The above are real and serious reductions to local community input and in the process fly in the face of both the governments and our own professed localism agenda. Those Parishes consulted by local members are staggered by these proposals and if carried through would cause many more to withdraw from the already discredited parish compact. When the proposals for the removal of the community's rights to get items before committee become public knowledge, this will, I am quite sure, cause serious disquiet within the community."

3.3 The Group was also informed of the comments received from Councillor Mrs E M Nicholls, as follows:

"Although the workload we have on the south planning committee is onerous, I nevertheless feel it WORKS! I appreciate Development Control is facing cuts of 20% but to change a process that has been acknowledged as a flagship to other councils in development control terms, I feel is remiss. I

appreciate Planning Officers work incredibly hard on applications that come before committee, but if Shropshire Councillors and Parish Councils come to accept that we can't be frivolous with the process for our own ends, I'm sure the system can be adapted to work better.

In the flux of so much change, with Localism, and having a system that currently works well, I believe we should leave the current system unchanged."

- 3.4 Members generally accepted that the introduction of the Council's new operating model necessitated amendments to the Scheme of Delegations, particularly in relation to development management and traffic regulation orders. It was noted that the process of service redesign in Development Management had reduced the service by 20% in terms of both cost and staff resources. A peer review had also pointed to efficiencies which could be made by increasing the level of delegations to officers from 90% to 95%.
- 3.5 One member raised a number of concerns over the proposed changes to the arrangements for dealing with member call-in, parish and town councils and public objections. During deliberations on these matters, an inconsistency between the text in paragraphs 4(ii) and (iii) of the covering report and page H24 of the proposed delegations to officers relating to member call-in and parish councils was highlighted.
- 3.6 Members accepted that the implied veto power in paragraph (iii) was inappropriate and should be deleted so that the wording accorded with the preceding paragraph relating to member call-in. The Group also felt that paragraph (iii) would benefit from the inclusion of a reference to the delegation to the Area Manager or Principal Planning Officer being subject to consultation with the local member in addition to the Committee Chair and Vice-Chair.
- 3.7 Subsequent to the meeting, other necessary amendments have been identified in respect of the following:
- (a) Traffic Management – Page H23 Group Manager Environment Delegations to read:
- To sign and service notices in respect of contraventions of any of the provisions of the Highways Act 1980, Traffic Management Act 2004 and the New Roads and Street Works Act 1991 and Regulations made thereunder.
- (b) Deletion from the Chief Executive's Delegations – Page H7 – Paragraph 11 to be deleted and the paragraphs have been renumbered on the basis that there is no requirement for the delegation. The paragraph to be deleted is:
- "To approve nominations for appointment for alternates to the School Organisation Committee."
- 3.8 The PSMG recommends that Council adopts these amendments to the scheme of delegations to officers as contained in Appendix 1 to the report.

#### **4.0 Review of Financial and Contract Procedure Rules 2011**

- 4.1 The Council must ensure that it has sound financial policies in place and that they are strictly adhered to. The Financial and Contract Rules reflect these policies and demonstrate to the public that proper safeguards and controls exist in relation to managing public money and assets.
- 4.2 The PSMG was recently informed of the need to update these rules to reflect current legislation and best practice and both the Financial and Contract Procedure Rules and have been reviewed in line with the Council's new operating model.

The proposed Financial Rules are attached at Appendix 2 to this report. The proposals include a change to the Financial Rules limits for matters contained in the forward plan from £140,000 to £500,000.

The contract rules presently define the following types of contract:

- Minor Contract – less than £30,000 (two or three quotes should be obtained)
- Ordinary Contract – between £30-£140,000 (format tender process to be followed)
- Major Contract - £140,000 or more (formal tender process, to include European Procedure, as appropriate).

Members were informed that the lower limits, e.g. below £10,000 two verbal votes would be required; between £10-£50,000 three written quotes would be required and £50-£140,000 to be classed as an ordinary contract. There would be no change to the value of orders below £10,000 or above £140,000.

- 4.4 The PSMG recommends the Council to approve the proposed changes to the Financial Rules and Contract Rules and the key decisions threshold.

#### **5.0 Planning Committee Structures and Operations**

- 5.1 The PSMG gave detailed consideration to the proposals to amend the structure and operation of the Strategic, North, Central and South Area Planning Committees. It was noted that these arrangements which were established at the formation of Shropshire Council, no longer presented the most efficient or effective way for the Council to discharge its duties, having regard in particular to the parallel process of service redesign required to reduce the cost of delivering the planning service.
- 5.2 Several members spoke in favour of the proposal to abolish the Strategic Planning Committee and to recast its role and functions across the three Area Planning Committees with effect from the next Annual Meeting.
- 5.3 One member raised concern over the suggested practice of voting down the officer recommendation before voting on an alternative proposition where members were minded not to support that recommendation. The Chief

Executive advised that this was not necessary as long as members were clear what the officers were recommending and had decided to reject that approach. However, in so doing, the Committee must make clear to the officers the genuine planning reasons behind their decision. In future under the proposed arrangements such matters would stand deferred. They would then be presented to the next Area Planning Committee meeting with a report on the implications of maintaining that decision.

- 5.4 The PSMG recommends Council to approve that, with effect from the next Annual Meeting, the roles and functions of the three Area Planning Committees be extended to include the existing functions of the Strategic Planning Committee which shall be abolished.

Thereafter each Area Planning Committee shall meet monthly and the revised procedures will be reviewed one year from implementation. During that period the Head Development Management will report quarterly on the effects of these changes.

## **6.0 Petitions Scheme**

- 6.1 The Political Structures Monitoring Group gave further consideration to the operation of the Council's Petition Scheme, following the first petitions debate at Council on 9 December 2010.
- 6.2 The Group considered whether changes should be introduced with regard to the threshold numbers to trigger either a debates in Council or the attendance of a senior officer at a public meeting, the potential for the procedure to be misused by national organisations, the time allocated to individual speakers other than the petition organisers during the debate and when and how the relevant Portfolio Holder could best contribute to the debate.
- 6.3 On balance, the PSMG concluded that no change should be made to either the thresholds or the operation of the scheme at present, but the matter should be reviewed in light of possible legislative changes later in the year.

## **7.0 Holding Executive Members Scrutiny Chairs and Member Champions to Account**

- 7.1 The PSMG considered the amendments to paragraph 2.6 of the Executive Procedure Rules, codifying the recent changes for holding Executive Members, Scrutiny Chairs and Member Champions to account.
- 7.2 The PSMG recommends that Council approves these amended arrangements attached at Appendix 3 to the report

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

None

**Human Rights Act Appraisal**

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998

**Environmental Appraisal**

N/A

**Risk Management Appraisal**

N/A

**Community / Consultations Appraisal**

N.A

**Cabinet Member**

Keith Barrow

**Local Member**

All

**Appendices**

Appendix 1 – Scheme of Officer Delegations

Appendix 2 – Review of Financial Rules and Contract Procedure Rules 2011

Appendix 3 – Paragraph 2.6 of the Executive Procedure Rules