

## GOVERNANCE COMMITTEE

13 November 2013

<b>Subject Heading:</b>	AMENDMENTS TO THE CONSTITUTION
<b>Report Author and contact details:</b>	Ian Burns Acting Assistant Chief Executive, Legal & Democratic Services – 2442
<b>Policy context:</b>	Constitutional amendments
<b>Financial summary:</b>	There are no specific financial implications

### The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

### SUMMARY

1. While the Monitoring Officer has the power to make amendments to the Constitution in certain limited circumstances other amendments are dealt with under Part 1 Article 4.02 paragraph (a) of the Constitution, which provides that only the Council will exercise the function of adopting and changing the Constitution.
2. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will
  - a. monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect
  - b. make recommendations to the Council about amending the Constitution
3. Recent applications of the Constitution have identified a number of areas where small amendments or additions to various delegated powers would assist the delivery of the Council's work.

**RECOMMENDATIONS**

That the Committee **RECOMMENDS to the Council** the amendments as set out in the body of this report.

**REPORT DETAIL**

**Part 3.6.6**

In order to reduce the number of straightforward, non-contentious planning applications which go to Regulatory Services Committee merely because they are submitted by the Council or for Council related development.

Currently, Part 3.6.6 of the Constitution directly/indirectly enables determination of the following categories of Council development using delegated powers (additional comments in italics):

- (xii) Erect extensions, conservatories, alterations, disabled ramps and similar household type development in respect of Council submitted planning applications which, were they not Council properties, would be determined under staff delegated powers.
- (xiii) Extensions less than 1000sqm, outbuildings and freestanding shelters and awnings and boundary treatment including walls and fencing proposals in respect of school related applications unless objections have been received or the school is within the Green Belt (*ie including Council properties*)
- (xiv) To decide all proposals under the advertisement regulations and applications for external building alterations including shop-fronts and canopies in respect of LBH submitted applications which, were they not Havering properties, would be determined under staff delegation powers.

**It is proposed to add the following category:**

- (xv) To decide any application by the Council, or concerning Council land/ premises, involving buildings or structures/changes of use of no greater than 1000m<sup>2</sup> floor space, where the proposal accords with development plan and/ or national planning policies and no third party objections have been received.

This additional delegation is proposed because applications for such small scale development which also meet the two additional criteria of according with planning policy and not being objected to by third parties, e.g. neighbours, are invariably acceptable, but are currently required to go through the full committee process which involves additional work and expense for the Council and delays the development. While it is important that Council owned applications are dealt with fairly and openly, hence the current requirement for consideration by committee, the nature and circumstances of the applications covered by this proposal are of such limited nature

that it is considered that the current process is excessive and unnecessary bureaucratic. The governance and probability issues are sufficiently safeguarded by the fact that a single objection will require the application to be considered by committee and it is open to any councillor to refer such an application to committee.

## **IMPLICATIONS AND RISKS**

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

### **Financial implications and risks:**

There are no specific financial implications

### **Legal implications and risks:**

There are no relevant legal implications not already covered in the report.

### **Human Resources Implications and risks:**

There are no relevant HR implications

### **Equalities implications and risks:**

There are no relevant equality implications

## **BACKGROUND PAPERS**

There are none