

## **CHILTERN DISTRICT COUNCIL**

### **MINUTES** of the Meeting of the **CDC GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE** held on **7 MARCH 2017**

**PRESENT:** Councillor E A Walsh - Chairman

Councillors: J A Burton  
P M Jones  
N M Rose  
M W Shaw  
M J Stannard  
D J Bray

**APOLOGIES FOR ABSENCE** were received from Councillors I A Darby, D M Varley and H M Wallace

#### **35 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **36 MINUTES**

The Minutes of the Governance and Electoral Arrangements Committee held on 22 February 2017 were agreed by the Committee and signed by the Chairman as a correct record.

#### **37 REVIEW OF THE COUNCIL'S CONSTITUTION**

In accordance with the agreed work programme for the review of the Council's Constitution, the Committee received a report attaching proposed revisions to the procedure rules in Parts 5 and 9 of the Constitution, including Cabinet delegations, and terms of reference for the Licensing & Regulation Committee. The proposed changes were shown in each appendix as track changes.

Whilst reviewing the work programme for the review of the Council's Constitution it was noted that Part 7 Management Structure, the Scheme of Delegations to Officers and the Proper Officer Function, and Part 8 Rights of Inspection would be considered at the next meeting. This was due to be held on 23 March, however, in light of the work involved, it was agreed that the next meeting would take place on 12 April 2017.

### **Protocol for Members relating to Gifts and Hospitality**

Whilst reviewing the Protocol it noted that this has been renamed to avoid confusion with the Register of Interests. It had also been updated to reflect current legislation and removed reference to legislation no longer in place. Attached to the Protocol were two forms which enabled Members to declare gifts or hospitality over £50, and apply for special consent to accept a gift or hospitality not authorised by the General Consent Provisions of the Protocol. During the discussion it was clarified that there was no requirement to declare gifts or hospitality offered by another Councillor of the same Council or when part of an internal meeting of the Council.

### **Protocol on Member/Officer Relations**

During the discussion it was noted that a new introductory section had been included covering the importance of mutual trust and confidence between Members and officers to ensure effective working and maintain expected standards of conduct. Members welcomed the inclusion of links to the Council's other policies and protocols, for example organisational values and behaviours.

### **Code of Practice on Planning Matters**

After noting the key changes made to the Code there was a discussion regarding the frequency of Planning Committee meetings. The Committee felt that any proposal to change from 3 to 4 weekly meetings would need to robustly demonstrate that there would be no detrimental affect to performance and highlight any consequential affects.

### **Protocol on speaking at Planning Committee**

Members considered the new Protocol previously part of the Council Procedure Rules. There was a discussion regarding the proposed requirement for written notification, by 1 July each year, confirming the elected Member of the Town or Parish Council authorised to make representations to the Planning Committee on the Council's behalf. It was suggested that this be amended to provide flexibility for any elected Member from a Parish or Town to speak at the Planning Committee provided that that they were authorised by the Parish or Town Council to make representations, for example by notification from the Parish Clerk. This would also include provision for different elected Members to speak for each planning application, if required.

There was a discussion regarding the time provided for representations from elected Members of Parish or Town Councils and on balance it was agreed that the current proposed time of 3 minutes was appropriate.

Members then discussed the conditions for District Councillors who were not a Member of the Planning Committee to make representations to the Committee immediately prior to the Committee's consideration of that application. On balance it was agreed that condition 1 be amended to reflect

that a non-Committee Member is required to indicate at the commencement of the discussion of the item that they wish to make a representation. It was also agreed that non-Committee Members should not be restricted to speaking only once should the Committee consider the same planning application multiple times.

### **Overview & Scrutiny Procedures**

Members discussed the procedure for calling a meeting to consider a call in. It was suggested that the maximum timescale for arranging a meeting for urgent executive decisions be 7 working days, rather than 7 days, for practical reasons.

### **Whistle Blowing Policy for Members**

Members noted that annex 2 had been removed from Whistle Blowing Policy for Members

### **Petitions Scheme**

The reference to submitting petitions online had been removed as this requirement was no longer in legislation. Petitions could however continue to be submitted via email.

The opportunity to discuss petitions at the same Council meeting that they are submitted provided they meet the Scheme's requirements was considered. Reference was made to a recent petition that had been submitted at a Council meeting. It was noted that this petition referred to the Green Belt Preferred Options Consultation which was part of the development of the Council's Local Plan and fell outside the scope of the petition scheme because there was already a separate statutory process in place. An addition could be included in the proposed scheme to clarify that where petitions related to existing statutory procedures, such as public consultations, that these were outside the scope of the scheme. Bullet point formatting should also be used to facilitate readability.

All reference to individual officers in the scheme should be removed and replaced by a department or officer title.

### **Cabinet delegations**

The Committee noted that the Portfolio Holder for Community, Health & Housing already had delegated authority to determine applications for community grants below the Key Decision threshold. As the Key Decision thresholds were proposed to be increased from £30,000 to £50,000, Members felt that in light of the financial constraints facing the Council that all applications for community grants be determined by the Cabinet collectively in future.

## **Terms of Reference of Licensing & Regulation Committee and its Sub-Committee**

It was agreed that the word regulation was unnecessary and be deleted so that the Committee be called Licensing Committee. Members noted the proposed changes relating to restrictions on membership for the undertaking of training. The Committee also noted the continued reference to those licensing functions reserved to the County Council.

Members considered the proposal to delegate authority to the Head of Healthy Communities to determine whether representations made by persons making relevant representations for licensing applications are frivolous or vexatious. Members felt this change was appropriate because determinations should be made before a Committee was held. This would be brought before the Committee at the next meeting as part of the review of the Scheme of Delegations to officers and Proper Officer Functions, together with Part 8 Rights of Inspection.

### **RESOLVED:**

**That subject to the above comments the proposed revisions to the following documents, set out in Appendix 1 to 5, be approved:**

- 1. Code on gifts and hospitality and Protocol on member/officer relations at Appendix 1;**
- 2. Code of Practice on planning matters and protocol on speaking at Planning Committee at Appendix 2;**
- 3. Overview and Scrutiny procedures and Whistle Blowing Policy for members at Appendix 3;**
- 4. Petitions Scheme at Appendix 4; and,**
- 5. Cabinet Delegations at Appendix and Terms of reference of Licensing & Regulation Committee and its Sub-Committee at Appendix 5.**

**The meeting ended at 7.35 pm**