

Regulatory & Appeals Committee Minutes

Date: 2 March 2016

Time: 7.00 - 8.15 pm

PRESENT: Councillor J A Savage (in the Chair)

Councillors M C Appleyard, S Broadbent, M Clarke, Mrs L M Clarke OBE, R Gaffney, D Knights and Ms J D Wassell, I L McEnnis and R Raja

16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A D Collingwood, C Etholen and M Hussain JP.

17 MINUTES

RESOLVED: That the minutes of the meetings of the Regulatory and Appeals Committee held on 2 November and 7 December 2015 be confirmed as a true record and signed by the Chairman

18 DECLARATIONS OF INTEREST

No declarations of interest were received.

19 REVIEW OF THE COMMITTEE'S TERMS OF REFERENCE

Members considered the Committee's Terms of Reference, which were being reviewed as part of an overall wider review of the Council's Constitution. A number of proposed amendments were suggested within the Terms of Reference document for the Committee, which was appended to the report.

The suggested changes to the original document were highlighted on pages 1-5. Text underscored represented proposed additions, whilst suggested deletions were struck through. The report sought Members' views and their agreement regarding the proposed changes to the document, which would then feed back into the wider review which would be considered later in the meeting at agenda item 5.

Members deliberated on the report before them. In general they were happy with the document as it stood. It was suggested however that under the N. B paragraph of section 5 under 'Appeals' that the stated wording relating to 'point (vii) above' and 'any matter under (vi) above being heard by an Appeals Panel' should be removed.

In addition, Members debated the issue under section 9 – ‘Planning Applications’. The overwhelming majority of Members agreed that this section should remain as is with the addition that there was a requirement for all Members undertaking determination of an application to receive the appropriate training.

(M C Appleyard withdrew from the meeting during consideration of this item.)

RESOLVED: That the terms of reference for the Committee be agreed as set out in the report, subject to

- (i) the removal of the text under the NB section of 5 – ‘Appeals’, to now read “Any matter under (i) to (v) above will be heard by an Appeals Panel comprising three members of the Committee”; and
- (ii) Under Section 9 ‘Planning Applications’, insert the necessity for all Members of the Committee to receive the appropriate training prior to determining any planning applications.

20 REVIEW OF THE CONSTITUTION

A report was submitted which stated that a full and detailed review of the Constitution had been undertaken following the May 2015 District Council Elections as agreed by this Committee during its consideration of other aspects of the Constitution in March 2014 and February 2015. As such the proposals to amend and update the Constitution were presented to Members which were recommended for agreement to become effective following the Full Council meeting in April 2016.

The report explained that in accordance with the decision to commence a detailed review, officers had met with the Leader of the Council and the Chairman of this Committee regarding the proposed review. Each Committee had been invited to undertake a review of its own terms of reference and each Head of Service had been requested to consider his/her own delegations to ensure their accuracy.

Appendix A attached to the report contained a headline summary of the proposed changes from the review, set out part by part. Appendix B to the report contained the new proposed definition of a Key Decision whilst Appendix C summarised the proposed changes for consideration appertaining to Contracts Standing Orders. Due to the size of the Constitution this was not attached in its entirety, but was available to view electronically on the website.

Members considered the report before them, and in relation to the proposed new definition of a Key Decision, it was felt that in the third bullet point, the word ‘land’ should be replaced with the word ‘assets’. Members also questioned whether a reference to intellectual property should be included within this point, in the event that assets did not adequately cover this aspect. There was concern that ‘assets’ may be viewed as being solely of a tangible nature. It was agreed that a reference should be added and that the District Solicitor be consulted to ensure this addition was permissible. It was agreed, therefore, that the third bullet point be amended to

read “the acquisition or disposal of assets (including any intellectual property), or any interest therein in excess of a value of £1,000,000.”

With regard to the proposed changes to Contract Standing Orders, set out at appendix C to the report, Members debated the issue of when and where the Council advertised its procurement opportunities. Currently, the proposal was to advertise all opportunities over £10000 as a minimum on the Council website. It was felt by some Members that this would be more appropriately set at a figure of £5000 when requiring mandatory advertising, proving beneficial for small local businesses. Members also queried the proposal to increase the threshold at which it would be mandatory for a Head of Service to be present at the opening of a paper tender. As a result of these queries, it was felt to be appropriate to defer any further consideration on the Contract Standing Orders to the next scheduled meeting. It was also agreed that an officer from the relevant service be requested to attend to assist to clarify matters.

Discussion also took place around the Public and Member questions process.

Some Members felt that there should not be multiple questions within one question when were asked at Full Council, and that a clause should be added to prevent this from happening, so as to avoid any unnecessary confusion. Others expressed the view that this was too prescriptive and that it was on occasion inevitable that another question would be posed as part of the original question to help set the scene whilst still within the time limit allocated.

Following detailed debate on the matter and a vote being taken it was agreed by the majority that the wording should be amended to state that multiple questions within a question would not be accepted and that only one question would be permitted.

RECOMMENDED: That

- (i) The proposed amendments to the Contract Standing Orders. As set out at appendix C to the report, be deferred until the next meeting of the Committee, and the Procurement Manager be invited to attend to answer any questions
- (ii) Subject to confirmation from the District Solicitor that the addition was permissible, the third bullet point in the proposed new Key Decision definition, as set out at appendix B to the report, be amended to read as follows “the acquisition or disposal of assets (including any intellectual property), or any interest therein in excess of a value of £1,000,000.”
- (iii) All other proposed amendments to the Constitution, as set out in the report be agreed.

- (iv) a new paragraph be added to Standing Orders 10 and 11 (Public and Member Questions) to read as follows.
“Multiple questions within a question will not be accepted. Only one question shall be permitted.”
- (v) Officers be authorised to make the amendments.

Chairman

The following officers were in attendance at the meeting:

- Ian Hunt - Democratic Services Manager
- Iram Malik - Democratic Services Officer