



Report of:	Meeting	Date
Councillor Michael Vincent, Leader of the Council and Rebecca Huddleston, Chief Executive	Council	26 October 2023

Constitution Amendments

1. Purpose of report

1.1 To enable changes to be made to the Council's Constitution.

2. Corporate priorities

2.1 To have an up-to-date Constitution and effective governance arrangements.

3. Recommendations

3.1 That the proposed amendment to the Council Procedure Rules be approved.

3.2 That the proposed amendments to the Overview and Scrutiny Article and Procedure Rules be approved.

3.2 That the proposed amendments to the Local Code of Good Practice for Councillors and Officers Involved in the Planning Process be approved.

4. Background

4.1 The Local Government Act 2000 requires all local councils to have a written Constitution. Most still very closely follow a national model drawn up when the 2000 Act was implemented. The Council's Constitution outlines Wyre's organisational structure and decision-making process. It also contains the procedures that make sure Wyre Council is efficient, transparent and accountable to local people. Reports are submitted by the Chief Executive on a regular basis to enable the Council to approve changes to the Constitution to take account of new legislation, changes to functions, structures, roles, responsibilities or procedures.

5. Key issues and proposals

- 5.1** At the Annual Council meeting held on 18 May 2023 committees were established and members were appointed to them. The Employment and Appeals Committee was established with a membership of four; consequently, the council must agree on the quorum for this committee (the minimum number of members that must be present), as the quorum calculation of one-quarter of the total number of members is ineffective with such a small committee. To ensure that business can be conducted properly, a quorum of three members is recommended for this committee.
- 5.2** The proposed revised version of the Council Procedure Rules is attached at Appendix 1.
- 5.3** The Overview and Scrutiny Committee agreed the appointment of the Climate Change Sub-Committee in June 2023 and its terms of reference in July 2023. When considering the terms of reference for the sub-committee, it was noted that the Council's Constitution needed updating to reflect this appointment and potential future appointments of sub-committees. The last update to the constitution relating to scrutiny occurred in 2019 and so it was an opportune time to review this section and recommend updates. At their meeting held on 4 September 2023, the Overview and Scrutiny Committee approved the suggested amendments and agreed for this to be recommended to full Council for approval.
- 5.4** The proposed revised version of the Overview and Scrutiny Article and Procedure Rules are attached at Appendix 2.
- 5.5** The recent outcome of the case R (on the application of The Spitalfields Historic Building Trust) v London Borough of Tower Hamlets [2023] EWCA Civ 917 was brought to the attention of the Head of Planning and Regeneration and the Chair of the Planning Committee. It confirmed that the reasoning for restricting the ability of councillors to vote was not irrational and was perfectly reasonable in *Wednesbury* terms (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) 1 KB 223) where the determination of a matter was deferred to a later meeting. Following discussions between the Head of Planning and Regeneration, the Chair of the Planning Committee and the Leader of Council, it was agreed that amendments to the Local Code of Good Practice for Councillors and Officers Involvement in the Planning Process should be recommended to Council for approval. These revisions align with best practice and will offer more clarity about councillors' requirement to be present for the whole planning application debate and voting on deferred applications.
- 5.6** The proposed revised version of the Local Code of Good Practice for Councillors and Officers Involved in the Planning Process is attached at Appendix 3.

6. Alternative options considered and rejected

- 6.1** An alternative option of a quorum of two members was considered for the Employment and Appeals Committee. However this was rejected as it was seen as being too small to reflect fair representation of the Committee.
- 6.2** An alternative option was to delay a review of the scrutiny elements of the Constitution until a more detailed review of the whole document was commissioned. However, it was noted that several references to relevant legislation were out of date or incorrect; it was therefore necessary to complete this update promptly.
- 6.3** An alternative option discussed was to continue without the amendments relating to voting restrictions and await a refresh of the Model Members Planning Code, but this was rejected because it was believed that the amendments resolved ambiguity in the Constitution regarding this matter.

Financial, Legal and Climate Change implications	
Finance	There are no direct financial impact arising from this report.
Legal	The council is required to have an up to date Constitution, including Rules of Procedure and Scheme of Delegation to ensure that all decisions are taken lawfully.
Climate Change	There are no direct Climate Change impact arising from this report.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
health and safety	x

risks/implications	✓ / x
asset management	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and

processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

Appendix 1 – Council Procedure Rules

Appendix 2 – Overview and Scrutiny Article and Procedure Rules

Appendix 3 – Local Code of Good Practice for Councillors and Officers Involved in the Planning Process