

Croydon Council

For General Release

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| REPORT TO: | COUNCIL 15 JULY 2019 |
| SUBJECT: | CONSTITUTION AMENDMENTS |
| LEAD OFFICER: | JACQUELINE HARRIS BAKER COUNCIL SOLICITOR AND MONITORING OFFICER |
| WARDS: | ALL |
| CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON: Article 15 of the Constitution provides that the Council shall monitor and review its operation to ensure that its aims and principles are given full effect. In that context the recommendations in this report are designed to further improve the efficiency of the Council's decision making processes. | |

1. RECOMMENDATIONS

Council is recommended to consider the proposals contained in this report and:

- 1.1 Approve the amendments to the Constitution detailed in sections 3 and 4 of this report and detailed more specifically in Appendices 1 and 2
- 1.2 To note the updated Corporate Parenting Panel terms of reference in Appendix 3 and that these will be appended to the Constitution for Members' ease of reference

2. EXECUTIVE SUMMARY

- 2.1 This report recommends that the Council approves changes to Part 3 of the Council's Constitution, 'Responsibility for Functions', in so far as it relates to the functions of the Council's Planning Committee and Sub-Committee and amendments to Part 4.K of the Council's Constitution 'Planning and Planning Sub Committee Procedure Rules'. The detail of those amendments are set out in below.
- 2.2 The report further details amendments made to the Corporate Parenting Panel terms of reference and asks Council to note that the Panel's terms of reference will be included in Part 6C with the Constitution for Members' ease of reference.

3. DETAIL

Background

3.1 Article 15 of Part 2 of the Constitution provides for the review and revision of the Constitution. The Council itself is responsible for monitoring and reviewing the operation of the Constitution to ensure the aims and principles of the Constitution are given full effect.

3.2 Subject to paragraph (b) of Article 15.2 which is set out below, changes to the Constitution shall only be approved by the Full Council after consideration of written proposals made by the Leader, Cabinet, General Purposes and Audit Committee or Monitoring Officer and the submission of a recommendation to a meeting of the Council. Changes approved by the Council shall take effect from the conclusion of the meeting at which those changes are agreed unless the recommendation specifies otherwise.

3.3 Paragraph (b) of Article 15.2 provides as follows:

Provision exists within the remit of the General Purposes and Audit Committee to approve changes on the grounds of urgency. The Leader and certain Council Committees are also authorised to make changes to certain matters included in the Constitution, for example the establishment of sub-committees, as indicated in the Constitution. The Council Solicitor is authorised, after consultation with the Leader or Committee Chair, to make any necessary amendments to the Constitution consequent on legislation or a decision of the Council, the Leader, the Cabinet or a Committee.

3.4 *Other powers also exist within the Constitution for the Chief Finance and Section 151 officer to agree changes to the Financial Regulations and for the Head of Paid Service in relation to staff job titles and descriptions within the Constitution.*

Planning Committee and Sub-Committee

3.5 The main changes proposed to be made to Part 3 of the Council's Constitution in so far as they relate to the functions of the Planning Committee and the Planning Sub-Committee are as follows:-

- Increasing the threshold by which matters can be considered at Planning Sub-Committee rather than Planning Committee from 300 square metres to 500 square metres and for the Planning Sub-Committee to have the responsibility for considering planning applications involving up to 5 residential units (where other relevant criteria are met) so that only applications involving more than 5 residential units need to go to Planning Committee (where other relevant criteria are met).
- Confirmation and clarification (in accordance with existing practices and understood processes) that the Planning Committee only needs to deal with reserved matters applications made pursuant to an outline application where the Planning Committee has specifically requested that the reserved matters be brought back to Committee.

- Confirmation and clarification (in accordance with existing practices and understood processes) that the Planning Sub-Committee need only deal with determining recommendations for approval, decisions to refusal at or below the Sub-Committee threshold criteria being able to be taken directly under delegated authority by officers.

3.6 The main changes proposed to be made to Part 4.K of the Council's Constitution; 'Planning and Planning Sub Committee Procedure Rules' are as follows:-

- Increasing the requirement for a Petition to trigger a referral to Committee from 20 to 40 signatories.
- Extending to the Vice-Chair of the Planning Committee the referral rights that the Chair, Ward Members, MP and GLA Member presently benefit from.
- Confirmation and clarification (in accordance with existing practices and understood processes) that the Objectors speaking slot under the committee processes is also shared with Residents Associations who do not have their own separate speaking slot.
- Confirmation and clarification (in accordance with existing practices and understood processes) that where a Ward Member, GLA Member and/or MP has made a referral to Committee and wishes to address the Committee, they must register their desire to address the Committee (usually by 4:00pm on the Tuesday immediately preceding Committee).

3.7 In addition to the above, a number of minor formatting and typographical Issues have been picked up in the revisions to both Part 3 and Part 4.K. These and the above proposed changes are shown in detail by way of track changes in Appendix 1 and Appendix 2 attached. These changes are proposed with a view to increasing the efficiency of the process for the determination of planning applications and the management of the work of the Committee as well as for clarification on the interpretation of the Constitution.

4 Corporate Parenting Panel

- 4.1 Members will be aware that the Corporate Parenting Panel is an internal panel, appointment to which is agreed by full Council akin to the Adult Social Services Review Panel.
- 4.2 The Corporate Parenting Panel is an integral part of the portfolio of the Cabinet Member for Children, Young People and Learning and plays a key role in ensuring that Cabinet, Members, looked after children and care leavers can share their views and influence decision making on the provision of services and development of policies.
- 4.3 As part of the Council's improvement journey in Children's Services, the role of the Corporate Parenting Panel and its terms of reference have been benchmarked against those of other local authorities to ensure Croydon is

working to best practice. The terms of reference have been amended to reflect best practice across London and the publication of these alongside the Council's Constitution will both raise awareness and increase transparency of the Panel's work.

- 4.4 Council is therefore asked to note the appending of the Panel's terms of reference to the Constitution, in order to make them more readily accessible to Members and to raise awareness of the Panel's work.
- 4.5 Council is also asked to note that, following feedback from Members, the Corporate Parenting Panel has updated its terms of reference in order to:
- i) ensure the Panel plays a full role in the council's corporate parenting strategy;
 - ii) receives reports on internal and external inspections; and
 - iii) more explicitly instils the voices of children in care and care leavers in the Panel's work.
- 4.6 The terms of reference have also been amended to clarify access to information regarding meetings of the Panel. Given the nature of the Panel's work and its membership, its meetings are not open to the general public, though the agenda papers and minutes will continue to be publicly available on the Council's website and agendas will continue to be published five clear working days in advance of the meeting.
- 4.7 These amendments to the Panel's terms of reference follow the last revisions made by the Panel at its meeting on 8 November 2017. Those amendments required the Panel to:
- i) extend its membership to a greater range of service users and professionals;
 - ii) increase the frequency of its meetings to six per annum;
 - iii) produce an annual report on the Panel's work to be presented to Council; and
 - iv) ensure that Panel members received routine performance information detailing outcomes for children in care and care leavers.

5 CONSULTATION

- 5.1 Both political groups represented on the Council have been consulted on the proposed Planning changes detailed above. The proposed changes have been developed with the cooperation and close involvement of the Council's Development Management Service.
- 5.2 The changes to the Corporate Parenting Panel's terms of reference have been developed following consultation with the Children's Improvement Board.

6. LEGAL CONSIDERATIONS

6.1 The Director of Law and Governance comments that in accordance with Article 15 of the Council's Constitution after consideration of written proposals made by the Monitoring Officer and the submission of a recommendation to a meeting of the Council, changes approved by the Council shall take effect from the conclusion of the meeting at which those changes have been agreed unless the recommendation specifies otherwise.

Approved by Sean Murphy, Director of Law and Governance & Deputy Monitoring Officer

CONTACT OFFICER: Sean Murphy, Director of Law and Governance and Deputy Monitoring Officer (telephone: 0208 8686 4433 ext 64986).

APPENDICES TO THIS REPORT

Appendix 1 – Changes to Part 3 of the Constitution

Appendix 2 – Changes to Part 4.K of the Constitution

Appendix 3 – Corporate Parenting Panel Terms of Reference 2019