

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the CORPORATE GOVERNANCE PANEL held in THE COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARYS STREET, HUNTINGDON on Wednesday, 28th March 2007.

PRESENT: Councillor C J Stephens – Chairman.

Councillors K J Churchill, P J Downes,
J A Gray, T V Rogers, L M Simpson and
R J West.

38. MINUTES

The Minutes of the meeting of the Panel held on 13th December 2006 were approved as a correct record and signed by the Chairman.

39. MEMBERS' INTERESTS

Councillor L M Simpson declared a personal and prejudicial interest in first part of Minute No. 41 relating to the Code of Procurement by virtue of the fact that family member worked for a company that tendered for Council contracts and he withdrew from the meeting for the duration of the discussion and voting thereon.

40. ANNUAL AUDIT AND INSPECTION LETTER

(Mr N Smith, the Council's Relationship Manager for the Audit Commission and Mrs L Standford and Mr P Winrow of RSM Robson Rhodes LLP, the Council's external auditors, were in attendance for the consideration of this item.)

The Panel gave consideration to the Annual Audit and Inspection Letter (a copy of which is appended in the Minute Book). Mr Smith informed Members that the Council's rate of improvement in priority areas matched that of other district councils. Mr Winrow drew Members' attention to the fact that the Council had consistently exceeded the Audit Commissions criteria for "performing well".

Following questions by Members, Mr Smith informed the Panel that the Use of Resources score compared performance against other local authorities. Having discussed the criteria for various elements of the Use of Resources assessment, the cost implications in seeking to achieve an improved score and arrangements for undertaking a further assessment in October 2007 based on the assessment of arrangements appertaining at 31st March 2007, the Panel registered their concerns at the absence of prior notice of the proposals given the likelihood that the performance criteria were likely to change. In response, Mr Winrow assured Members that these changes would be reflected in the next Letter. Whereupon, it was

RESOLVED

that the Annual Audit and Inspection Letter be received and noted.

41. REVIEW OF CONSTITUTION

By reference to a report by the Head of Administration (a copy of which is appended in the Minute Book) the Panel undertook a review of the Constitution. The Panel were reminded of the procedure for the review in which the Cabinet and all Panels had been offered the opportunity to comment collectively on the Constitution. Members also had been invited to submit comments individually and Chief Officers and Heads of Service similarly had been requested to highlight issues which had arisen based on practical experience of the operation of the Constitution.

The Panel considered a proposal to hold Council meetings at 5pm. In view of other demands on Councillors' time during the evening and given the flexibility already contained in the Constitution to change meeting times, Members did not support this proposal.

The Panel also discussed a suggestion to formalise the procedure for amending a motion. On the understanding that provision was available in the Constitution to waive the procedure, which would allow motions to be moved arising from debate, it was agreed that the wording of an amendment should be made available in advance of a Council meeting.

With regard to planning applications considered to be "significant" departures from the Development Plan, the Panel was of the view that the discretion available to the Development Control Panel either to determine such applications by way of refusal or to recommend them for approval by full Council should be conditioned by way of a facility whereby on the receipt of a requisition by 9 Members within 7 working days of the outcome of the Panel's deliberations, the matter could be referred for decision by full Council.

In considering a proposal to introduce a public forum at Council meetings, the Panel were mindful that Members' roles were to represent their constituents and that the implications of introducing public speaking at Development Control Panel meetings were not yet known. The Panel, therefore, did not support this proposal.

Having considered a proposal to establish a district youth forum and suggestions for the way it might operate, the Panel requested that the matter be referred to the Overview and Scrutiny Panel (Service Delivery) to consider its practical and financial implications before a decision was taken.

A suggestion by the Overview and Scrutiny Panel (Service Delivery) that the consent of the Chairman or Vice-Chairman of the relevant Overview and Scrutiny Panel should be obtained before a decision was taken on a report on a date earlier than that referred to in the Forward Plan was not supported on the grounds that it would introduce an excessive bureaucratic burden. Having considered other issues raised during the review process, the Panel agreed to

RECOMMEND

- (a) that in Article 4 – The Full Council, the following words

be added to Section 1 (a) – Policy Framework:-

“♦ Gambling Act – Statement of Principles”

and that the Statement of Licensing Policy in Section 1 (a) be reworded as –

“♦ Licensing Act – Statement of Licensing Policy”;

(b) that in Article 4 – The Full Council, the following words be added to Section 2:-

“(j) passing a resolution not to issue casino premises licences.”

and that the existing paragraphs (j) to (l) be renumbered accordingly;

(c) that in Table 2 in relation to the of the Licensing Committee the functions column relating be amended as follows:-

“To discharge the functions of the Council as Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 (with the exception of those functions which are reserved to Council as defined in Article 4).”;

(d) that the words “gaming, entertainment” be deleted from the functions column of Table 2 in relation to the Licensing and Protection Panel;

(e) that the addition of the following on Page 51 and as a preamble to Table 5, pages 154/1 and 154/2 be noted:-

“A number of “Member Champions” have been appointed by the Council. These are listed in Table 5. The Champions do not have executive or decision making responsibilities and as such Table 5 does not form part of the Council’s formal Constitution. However, the Champions are listed here for convenience and to highlight the role of each appointment”;

(f) that a proposal that Council meetings should commence at 5.00 pm be not supported;

(g) that Rule 10 (h) be varied to read:-

“(h) to amend a motion; (the text of the proposed amendment to be forwarded to the Chief Executive, or in his absence, the Director of Central Services prior to the commencement of the meeting of the Council).”

- (h) that the following be inserted into the Council's Procedure Rules:

“17A Photography, Broadcasting and Recording of Meetings

Filming, videoing or audio recording of a meeting or photography at a Council meeting shall be permitted only with the consent of the Chairman of the meeting concerned. The necessary consent shall have been obtained and the Chief Executive, or in his absence, the Director of Central Services notified by no later than three working days before the meeting.”

- (i) that the following be added to Rule 22:

“Regarding Rule No. 7 – in no case should the quorum of sub-committees and sub-groups be less than three Members.”

- (j) that the following be inserted as a new Rule 27 of the Council Procedure Rules:

“Rule 27 – Development Control Applications

(a) Public Speaking at Development Control Panel

Where a planning application falls to be determined by the Development Control Panel and where appropriate notice has been given, an elected Member of the relevant town and parish council/meeting, the District Ward Member, the objector(s), the applicant(s) or their representatives shall be permitted to address the Panel on the application under the direction of the Chairman having regard to the guidelines at Annex (iii);

(b) Public Speaking at Council

In those circumstances where a planning application is to be determined by full Council, the Council's Head of Planning Services or his representative and other relevant Officers shall be permitted to present reports to the Council and the public speaking process adopted by the Development Control Panel be applied;

(c) Consideration of Departures from the Development Plan

Planning applications considered to be a “significant” departure from the

Development Plan shall, on the recommendation of the Development Control Panel, be considered by the Council having regard to advice received from the Heads of Planning Services and Legal and Estates Services and guidelines at Annex (iii). Applications considered to be “significant” are those specified under the Town and Country Planning (Development Plan and Consultation) (Departures) Directions 1999 and having also to be referred to the Secretary of State as follows –

- ◆ a development which consists of or includes the provision of –
 - (i) more than 150 houses or flats; or
 - (ii) more than 5,000 square metres of gross retail, leisure, office or mixed commercial floorspace;
- ◆ development of land belonging to the planning authority by that authority or any other party; or for the development of any land by such an authority, whether alone or jointly with any other person;
- ◆ any development which, by reason of its scale or nature or the location of the land, would significantly prejudice the implementation of the development plan’s policies and proposals: or
- ◆ any development in respect of which –
 - the Development Control Panel is minded to determine or to make a recommendation; and
 - a requisition for determination of the application by full Council signed by nine (9) Members is received by the Head of Planning Services within seven (7) working days of the Panel’s intimation to that effect.”;

(k) that a proposal to introduce of a time limited session at the commencement of Council meetings in which Members of the public could be invited to put questions to the Leader of the Council, Cabinet Members and the Chairmen of the Overview and Scrutiny Panels be not supported;

(l) that consideration be given to a proposal to introduce a biennial state of the district conference;

- (m) that a proposal to require Council meetings to be held in venues in different parts of the District be not supported and the holding of Council meetings at other venues during construction of the new headquarters noted;
- (n) that the Overview and Scrutiny Panel (Service Delivery) be requested to investigate the practical and financial implications of a proposal to establish a district youth forum and to report back to the Corporate Governance Panel;
- (o) that the incorporation into Section 6 of the Constitution of a revised scheme of Members allowances be noted;
- (p) that revised Codes of Financial Management and of Procurement be adopted; and
- (q) that a proposal to require the permission of the Chairman, or in his absence, the Vice-Chairman of the relevant Overview and Scrutiny Panel to be obtained to take a decision on an item on a date earlier than that referred to in the Forward Plan be not supported.

42. INTERNAL AUDIT TERMS OF REFERENCE AND AUDIT STRATEGY

The Panel considered a report by the Audit and Risk Manager (a copy of which is appended in the Minute Book) to which were attached revised Terms of Reference for Internal Audit and Audit Strategy. Having been informed of the arrangements that had been put in place to safeguard the independence of the Audit function, it was

RESOLVED

that the Internal Audit Service Terms of Reference and Internal Audit Strategy 2007 - 2010 appended to the report now submitted be approved.

43. AUDIT PLAN, 2007/08

The Panel received a report by the Audit and Risk Manager (a copy of which is appended in the Minute Book) to which was appended the interim Internal Audit and Assurance Plan for 2007/08. Having noted that the Plan took account of the Anti-Fraud and Corruption Strategy, it was

RESOLVED

that the report be received and the Plan approved.

Chairman