
Corporate Governance Panel

Report of the meeting held on 25th March 2009

Matter for Decision

23. REVIEW OF COUNCIL CONSTITUTION

By reference to a report by the Head of Democratic and Central Services (a copy of which is reproduced as an Annex hereto), the Panel has undertaken a biennial review of the Constitution. The changes recommended by the Panel have arisen as a result of practical experience and operation of the Constitution, together with subsequent reviews and comments by Members and Officers. This review has also been undertaken concurrently with an in-depth investigation of the Council's democratic structure, the findings of which will be considered by a special meeting of the Panel on 16th April 2009.

The biennial review has dealt with a number of procedural changes that are required as a result of developments since the previous review but further changes will be required, depending upon the Panel's and Council's decisions on the democratic structure review. A number of proposals by the Leader of the Opposition, Councillor Downes, for changes to the Constitution have been addressed by the Democratic Structure Working Party and will be dealt with in the consideration of the Working Party's recommendations.

It is therefore

RECOMMENDED

that the following amendments be made to the Council's Constitution with effect from 13th May 2009 -

- (a) **that in Article 1 – The Constitution, the following words be inserted in Section 5 – Huntingdonshire Vision, to replace all of the words in the second paragraph onwards -**

“Huntingdonshire is a place where current and future generations have a good quality of life and can:

- make the most of opportunities that come from living in a growing and developing district;**
- enjoy the benefits of continued economic success;**

- access suitable homes, jobs, services, shops, culture and leisure opportunities;
- realise their full potential;
- maintain the special character of our market towns, villages and countryside; and
- live in an environment that is safe and protected from the effects of climate change and where valuable natural resources are used wisely.

To support this, the Council will strive to:

- make the most of opportunities that come from growth by promoting the development of a sustainable community;
- enable people to realise their full potential and have access to suitable homes, jobs and services;
- work towards achieving a balance between social, economic and environmental needs; and
- maintain “excellent” standards.”

(b) that in Article 3 – Citizens and the Council,

- the words in Section 1 (d) (iii) be replaced by the words “the District Council about a breach of the Members Code of Conduct rather than the Standards Board for England as formerly; and”; and
- the following paragraph be added to Section 1 (d) – “(iv) the District Council about a breach of their respective Members’ Code of Conduct of any town and parish councillor in Huntingdonshire.”;

(c) that in Article 4 – The Full Council,

- the following changes be made to Section 1 (a) – Policy Framework:-
 - ◆ insert the word “sustainable” before the words “community strategy” in line 2;
 - ◆ substitute the word “strategies” by the word “alterations” in line 5 relating to the Development Plan;
 - ◆ substitute the words “Local Agenda 21 Strategy” by the words “Environment Strategy” in the 10th line; and
 - ◆ add the words – “Local Area Agreement”;
- the words in paragraph (g) of Section 2 – Functions of the Full Council, be replaced by the words - “the

appointment of the Electoral Registration Officer and the Returning Officer to local government elections, power to change the name of the District, petition for borough status and confer honorary titles, functions relating to a change in governance arrangements (the Council's form of executive) and the passing of a resolution to change the electoral scheme (the electoral cycle)";

(d) that in Article 6 – Overview and Scrutiny, the right hand column of the table in Section 1 be amended as follows:-

- in respect of Service Delivery, the existing words be replaced by the following words – “All issues relating to customer services and information technology, health, leisure, housing, operations and countryside”; and
- in respect of Service Support, the existing words be replaced by the following words – “All issues relating to finance, resources and policy, planning strategy, environment and transport”;

(e) that in Article 8 – Regulatory and Other Committees and Panels, the following words be inserted in line 3 of paragraph 2 after the words “Statement of Licensing Policy” – “under the Licensing Act 2003 and the Statement of Principles under the Gambling Act 2005”;

(f) that in Article 9 – Standards Committee, the following words be inserted at the end of Section 1 – “The Committee must be chaired by an Independent Member.”;

(g) that in Article 12 – Officers,

- the following changes be made to Section 2 – Management Structure:-
 - ◆ delete the words “(and Monitoring Officer)” from the post of Director of Central Services in paragraph (b); and
 - ◆ substitute the words “Director of Central Services” by the words “Head of Law, Property and Governance” in paragraph (c);
- that the following changes be made to Section 4 – Functions of the Monitoring Officer:-
 - ◆ the substitution of paragraphs (d) and (e) by the following words – “(d) Local Assessment of Code of Conduct Complaints – The

Monitoring Officer shall discharge the functions in relation to the initial assessment and review of allegations of breaches of the Members' Code of Conduct, act in accordance with the Monitoring Officer's protocol and convene and appoint Members to hearings as necessary; (e) Conducting Investigations – the Monitoring Officer will conduct investigations in matters referred by the Referrals (Assessment) Sub-Committee and make reports and recommendations in respect of them to the Standards Committee”;

- ◆ **substitute all of the words after the words “Deputy Monitoring Officer” in paragraph (j) by the words – “in the absence or at the direction of the Head of Law, Property and Governance and Monitoring Officer, the Democratic Services Manager shall act as Deputy Monitoring Officer”;**

(h) that in Part 3 – Responsibility for Functions, the following variations be made:-

- **Table 1 – Responsibility for Local Choice Functions – the substitution of the number “8” by the number “9” in the first box of the third column (Membership of the Cabinet);**
- **Tables 1 and 2 - Responsibility for Local Choice Functions and Responsibility for Council Functions respectively – the replacement of all references to the “Development Control Panel” by the words “Development Management Panel”;**
- **Table 2 – Responsibility for Council Functions – in relation to the functions of the Licensing and Protection Panel, the words “and designation orders for alcohol disorder zones” be inserted after the words “alcohol consumption” in the box in the third column;**
- **Table 2 – Responsibility for Council Functions – in relation to the Elections Panel, the current description of the Panel's functions in the box in the third column be replaced by the words “To discharge the functions of the Council in relation to elections, other than those reserved to the Council in Article 2 (g). To change the name of parishes in Huntingdonshire. To discharge the functions of the Council relating to community governance (parish reviews).”;**

- **Table 3 – Responsibility for Executive Functions – that all reference to the Leisure Centre Management Committees at St Ivo, Huntingdon, St Neots, Ramsey and Sawtry be deleted;**
- (i) **that in Part 4 – Council Procedure Rules (Standing Orders), the following amendments be made:-**

- **the following words be added at the end of Rule 9.1 – “The submission of a written notice of motion via e-mail will be acceptable.”;**
- **the following words be inserted after the word “Group” in the tenth line of Rule 10A.3 – “and where the matter relates to a development or licensing application.”;**
- **that the second and third paragraphs of Rule 10A.4 be deleted and replaced by the following words-**

“A written petition shall contain the name, address and signature of each person who signed it. The name and address shall be in a legible format. An on-line petition shall contain the name and address of each person who is party to it. A petition shall indicate which one of the signatories is to present the petition.

The petition shall be sent to the office of the Chief Executive who shall decide whether the petition concerns a matter on the agenda for a full Council meeting and if it is not, it will be scheduled for inclusion on the agenda for the next ordinary full Council meeting. A maximum of three petitions will be presented at any meeting.

If an on-line petition does not have the requisite number of signatories or the organiser is not prepared to present it to the Council, the petition shall be submitted for consideration to the relevant Overview and Scrutiny Panel, subject to the petition containing the names and addresses of at least ten persons who live or work or own property in the District.”;

- **that the paragraph entitled “Who is permitted to speak to the Panel?” in Annex (iii), which relates to Rule 27(a) – Public Speaking at Development Control Panel, be amended so that the sixth bullet point is annotated with an asterisk and the following words be inserted at the end of that section – “Supporters of an application may speak on any**

application but will only be permitted to do so if an applicant or his representative decides not to speak or to use less than the time permitted. In any case, the time limit of three minutes for speaking in support of an application should not be exceeded.”;

(j) that revised Codes of Financial Management and of Procurement be approved, as attached as annexes to the report now submitted;

(k) that under Part 5 – Codes and Protocols, the following amendments be made:-

- in respect of the Members’ Planning Code of Good Practice:-

- ◆ that in paragraph 4 of Section 1 - Relationship to the Members’ Code of Conduct, the words “Standards Committee” be replaced by the words “Corporate Governance Panel” in the eighth line and the words “Standards Board for England” by the words “Standards Committee” in the second bullet point;

- ◆ that paragraphs 2 and 3 in the second bullet point of Section 2 - Development Proposals and Interests under the Members’ Code, be deleted and replaced by:-

- “- do consider, having declared a prejudicial interest whether you wish to make representations to the Development Control Panel in the same way as an ordinary member of the public as permitted under paragraph 12 (2) of the Members’ Code of Conduct;

- do leave the room immediately after you have made your representations and before any debate commences;

- do not attempt to improperly influence the meeting.”;

- in respect of the Employees’ Code of Conduct:-

- ◆ the words in the second paragraph of the introduction – “Monitoring Officer (the Director of Central Services)” be substituted by the words “Monitoring Officer (Head of Law, Property and Governance)”;

- ◆ the words in the second paragraph of the introduction – “Deputy Monitoring Officer (the Head of Legal and Estates)” be substituted by the words “Deputy Monitoring Officer (Democratic Services Manager)”;

- ◆ that the following paragraph be added at the end of Section 1.1 of the Code:-

“Partnerships play an increasingly important role in the development of shared objectives and in action planning to achieve priorities and objectives. Employees are expected to apply the same high standards of conduct when representing the Council at meetings of partnership bodies and to address any issues of potential impropriety through the Council’s own whistle-blowing procedure. The rules on the disclosure of information, political neutrality, fraud and corruption and hospitality and gifts contained in the Code will apply equally to an employee’s representation on a partnership body.”;

- ◆ the words “Head of Personnel Services” in Section 3.5 be substituted by the words “Head of People, Performance and Partnerships”;

- ◆ that all of the words in Section 17.1 after the word “available” in the second line be deleted and replaced by the words “for public inspection”;

- that the Monitoring Officer Protocol as attached to the report now submitted be adopted as part of the Council’s Constitution and inserted into Part 5 – Codes and Protocols;

- that the Leader and Chief Executive Protocol approved by the Panel at its meeting on 23rd September 2008 be inserted in Part 5 – Codes and Protocols; and

- (l) that in Part 7 – Management Structure, appropriate changes be made to the management structure to reflect the various changes in the designation of Officers since the last review of the Constitution.

Matters for Information

24. EXTERNAL AUDITOR'S REPORT: USE OF RESOURCES 2007/08

The Panel has been acquainted with the Council's Use of Resources Report 2007/08 issued by the external auditors, Grant Thornton, which confirms that the Council has consistently performed above the Audit Commission's minimum requirements. An action plan annexed to the report is designed to assist the Council in continuing to perform well within the Framework in 2009.

25. INTERNAL AUDIT SERVICE: INTERIM PROGRESS REPORT

The Panel has been informed of progress by the Internal Audit Service against the Audit Plan for 2008/09 and has noted the performance standards achieved.

26. ANNUAL REVIEW OF THE EFFECTIVENESS OF THE SYSTEM OF INTERNAL AUDIT

The Panel has been apprised with the outcome of a review of the effectiveness of the system of internal audit which is required by the Accounts and Audit Regulations 2006. The review has confirmed that the Council's internal audit service meets the requirements of the CIPFA Code of Audit Practice. The next review will be conducted in 2011.

27. RISK REGISTER

The Panel has received details of changes made to the Risk Register between the period 1st September 2008 to 28th February 2009 inclusive.

28. CORPORATE GOVERNANCE: ASSURANCE FRAMEWORK

The Panel has been updated with progress made to date in respect of the implementation of the assurance framework and of the action plan supporting the Annual Governance Statement.

C J Stephens
Chairman