

Subject:	Constitution Review		Status:	For Publication	
Report to:	Development Control Governance Working Group Council		Date:	24 th February 2015 5 th March 2015 18 th March 2015	
Report of:	Monitoring Officer		Portfolio Holder:	Customers, Legal and Licensing	
Key Decision:	No - reserved for Council	Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
Equality Impact Assessment:		Required:	No	Attached:	No
Biodiversity Impact Assessment		Required:	No	Attached:	No
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1.	RECOMMENDATIONS
1.1	That Development Control Committee recommend Council to amend the Constitution by agreeing to: <ul style="list-style-type: none"> Amend the voting procedure for Development Control (with effect from May 2015 onwards). Include the voting procedure in the information available to members of the public attending Development Control Committee, which is available in the Council's Constitution (Article 3 Citizens and the Council).

2. PURPOSE OF REPORT

2.1 To consider changes to the Constitution as detailed in Appendix A with regards to voting procedures at Development Control Committee. To strengthen the decision making process and reduce risk of legal challenge.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following of the Council's corporate priorities:

- Responsive Value for Money Services: This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.

4. RISK ASSESSMENT IMPLICATIONS

4.1 All the issues raised and the recommendation in this report involve risk considerations as set out below:

- Failure to maintain and follow an up-to-date Constitution risks legal proceedings being taken against the Council, and risks members of the community being dissatisfied with the action of the Council.

5. BACKGROUND AND OPTIONS

Part 2 Article 3 Citizens and the Council

Voting procedure at Development Control Committee

5.1 Voting procedures for the Development Control Committee are not included within the Council's Constitution, therefore the general procedures for voting at committees apply.

5.2 If an application is voted on the chairperson clarifies to those present what the outcome will be if the motion is approved or lost. However, this can cause confusion for members of the public, particularly if any amendments are tabled.

In addition, this procedure does not always allow reasons for refusal, or reasons for any additional conditions to be stated, which can leave the Council open to legal challenge.

5.3 Amending the voting procedure for the Development Control Committee will allow members of the public a better understanding of what is being approved at the committee, because only a majority vote will carry a motion, otherwise members will revisit the officers recommendation and move and second a new motion (until there is approval by a majority).

5.4 This will provide clarity on the Council's adopted procedures, and reduce the risk of legal challenge.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no material financial implications arising from the report.

7. MONITORING OFFICER

7.1 All legal implications are commented upon in the body of the report.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 Consultation with Statutory Officers, Legal Officers, Committee and Member Services, and Development Control Committee.

9. CONCLUSION

9.1 The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document.

Background Papers

Document	Place of Inspection
The Constitution of the Council	www.rossendale.gov.uk/constitution