

PLYMOUTH CITY COUNCIL

Subject: Constitutional Changes
Committee: City Council
Date: 28 January 2013
Cabinet Member:
CMT Member: Tim Howes (Monitoring Officer)
Author: Tim Howes, Assistant Director for Democracy and Governance and Monitoring Officer
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Ref:
Key Decision: n/a
Part: I

Purpose of the report:

To recommend changes to the constitution, in particular, to amend the Planning Committee Code of Practice and the hospitality rules and to adopt a new webcasting protocol.

Corporate Plan 2012 – 2015:

The changes to the Planning Committee Code of Practice and webcasting rules encourage greater participation in democratic processes.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:

There are no material implications resulting from these changes to the constitution.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

There are no material implications resulting from these changes to the constitution.

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

It is recommended that Council agree the following:

1. To adopt the revised Planning Committee Code of Practice
 2. To change the hospitality rules in relation to paid for events
 3. To adopt the webcasting protocol
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Alternative options considered and rejected:

The Constitution Review Group in their deliberations considered a variety of amendments before recommending these to council. One option would be to do nothing in which case the Code of practice would be out of date and not reflect Member's wishes.

Published work / information:

Council constitution

<http://www.plymouth.gov.uk/constitution>

Background papers:

None

Sign off:

Fin	mc1 213. 028	Leg	1664 3/ DVS	Mon Off	THI 6/1/ 13	HR		Assets		IT		Strat Proc	
Originating SMT Member Tim Howes													
Has the Cabinet Member(s) agreed the content of the report? Yes													

1.0 Introduction

This report encompasses a number of changes to the constitution in relation to the following areas

- Planning Committee Code of Practice where revisions are recommended
- Webcasting
- Hospitality rules in relation to paid for events

Some of these matters have been considered over several meetings by the all-party Constitution Review Group and this paper reflects the views of that Group. I would like to thank the Group for their work and the robust, challenging and constructive meetings!

2.0 Planning Committee Code of Practice

An opportunity has been taken to review the Planning Committee Code of Practice both to recognise legislative changes, to change committee processes to recognise good practice and to implement improvements that Members felt were necessary. In addition, the recommendations implement a council motion on notice regarding councillor involvement in planning gain. The revised code of practice is included at appendix A.

The main proposed changes are:

- To amend the provision on submission of receipt of hospitality forms by officers to provide a common approach throughout the constitution (section 3.12)
- To amend the Code to reflect the new disclosable pecuniary interests and the changes to the Code of Conduct (section 4)
- To include the legislative changes from the Localism Act 2011, including those relating to predetermination (section 5)
- To reflect the wider involvement of ward councillors in the planning application process (section 8)
- To allow councillors from adjacent wards to speak on applications in certain circumstances (section 11.2)
- To allow those speaking on applications to submit presentational material (section 11.7)
- To permit site visits (where no site visit has previously taken place) with a simple majority vote, rather than a unanimous vote. (section 12.5)

These changes have been considered and recommended to council by the Constitution Review Group.

3.0 Webcasting

The webcasting pilot is underway with the webcasting of Council, Planning Committee, Budget Scrutiny meetings and the Police and Crime Panel. A report on the pilot will be prepared at the appropriate time, where consideration can be given to whether to continue, whether to use our resources for different meetings or increase resources to cover more meetings.

It has become apparent that a protocol is required to govern those circumstances where it might be appropriate to either suspend a live webcast or limit the publication of an archived webcast.

To this end a draft protocol has been prepared, which is attached at appendix B and reflects the concerns expressed by the Constitution Review Group. The draft protocol sets out those circumstances where a live webcast might be suspended and also the circumstances where an archived webcast might be edited.

The Constitution Review Group wished to ensure that the Council Leader and Leader of the opposition should be consulted prior to any decision by the Monitoring Officer to edit the archived webcast.

The Constitution Review Group were also anxious that the minimum amount of editing took place and wanted to discuss further how this might be achieved in terms of technology and cost.

4.0 Hospitality rules and Paid for Events

The council has rules regarding the acceptance of hospitality within the constitution. These are found in the councillors' Code of Conduct, the Officer's Code of Conduct, the Planning Committee Code of Practice and the Contract Standing Orders.

The existing rules explain that it is appropriate for an officer or Member to attend an external event to represent the council. Consideration should always be given to the benefit of attending such an event. In most instances an invitation will be received and the officer or Member will be invited as a guest of the organiser or sponsor (in such circumstances no payment from Plymouth City Council is required).

From time to time, it would be appropriate for the council to be represented at an event where a payment from the council is necessary. Currently, there is limited guidance on attending events where the council is paying for attendance, and the following rules provide this guidance. It is recommended that the various rules regarding hospitality within the constitution are amended to reflect these rules.

The proposed guidance rules are:

- Attendance at paid for events should be authorised and recorded in the same way as for other hospitality, with a clear rationale explaining why attendance is beneficial.
- In such circumstances it is generally expected that there would be no more than one councillor and one officer attending
- The council may occasionally sponsor a table at an event or ceremony hosted by another organisation. On such occasions, the relevant Cabinet Member must be consulted on both the decision to provide sponsorship and the guest list.