

Committee: Standards and General Purposes Committee

Date: 7 November 2019

Wards: n/a

Subject: Amendments to the Constitution

Lead officer: Fiona Thomsen, Interim Assistant Director Corporate Governance and Monitoring Officer

Lead member: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Contact officer: Louise Fleming, Senior Democratic Services Officer

Recommendations:

To recommend to Council that the following amendments to the Council's Constitution be authorised:

1. Part 5F (Planning Protocol) as described at paragraph 2.2 below and set out in Appendix 1, in response to advice received from the Local Government Ombudsman; and
 2. Part 2, Article 4 paragraph 4.2a (Policy Framework) as set out in paragraph 2.7 below.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To consider changes to the Constitution following advice received from the Local Government Ombudsman; and a review of the Council's Budget and Policy Framework.

2 DETAILS

2.1. Planning Protocol

- 2.2. Following consideration of a complaint made to the Local Government Ombudsman, the Monitoring Officer wrote to all Planning Applications Committee Members on 12 July 2019 reminding them of the requirements of the Council's Planning Protocol in respect of site visits by individual Members. The letter advised that the Planning Protocol would be revised to strengthen the advice and emphasise that site visits by individual Members should be limited to a public vantage point, and they should not visit an applicant's property to avoid a perception of bias. The proposed revisions are set out in Appendix 1 to this report.

2.3. Budget and Policy Framework

- 2.4. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, there are specified plans and strategies where adoption or approval by the local authority must be made by Full Council. The Regulations also provide that a local authority can choose that certain other plans or strategies (statutory or non-statutory) can be added to the policy framework.

2.5. Merton's Policy Framework, set out in Part 2, Article 4, Paragraph 4.2a of the Constitution, currently comprises the 12 plans and strategies listed below:

- Business Plan
- Community Plan
- Corporate Equality Scheme (now Equality and Community Cohesion Strategy)
- Housing Strategy
- Local Development Plans (now Local Plan)
- Children and Young People's Plan
- Local Transport Plan (now part of the Local Plan)
- Civil Contingencies Plan (now Strategic Business Continuity Plan)
- Equal Opportunity and Diversity (now Equalities Strategy)
- Procurement Strategy
- East Merton and Mitcham Neighbourhood Renewal Strategy (now Neighbourhood Renewal Strategy)
- Climate Change Strategy

2.6. The Corporate Management Team have reviewed the list and recommended that this list should be updated so that it reflects the changes that have been made to the titles and to include the Wimbledon Town Centre Master Plan, as agreed by Council at its meeting on 21 November 2018.

2.7. The updated list would therefore comprise 11 plans and strategies:

- Business Plan
- Community Plan
- Equality and Community Cohesion Strategy
- Housing Strategy
- Local Plan
- Children and Young People's Plan
- Strategic Business Continuity Plan
- Procurement Strategy
- Neighbourhood Renewal Strategy
- Climate Change Strategy
- Wimbledon Town Centre Master Plan

3 ALTERNATIVE OPTIONS

3.1. The Council is advised to make these changes in light of advice received from the Local Government Ombudsman and the need to periodically review the Council's Budget and Policy Framework to ensure it is compliant with current legislation and best practice. The alternative option would be to do nothing, which is not recommended.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purposes of this report.

5 TIMETABLE

5.1. The recommendations of the Standards and General Purposes Committee will be considered at the Council meeting on 20 November 2018.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purposes of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. *The Constitution provides that proposed changes to the Council's constitution be reported to this Committee for approval prior to being considered at Council. (Article 15)*

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purposes of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1 – Revised Planning Protocol (extract)

12 BACKGROUND PAPERS

12.1. None

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