

Meeting	Audit and Governance Committee
Date	2 February 2022
Present	Councillors Pavlovic (Chair), Fisher (Vice-Chair), Carr, Lomas, Mason, Wann and Webb

Part B - Matters Referred to Council

73. Review of the Constitution

Officers introduced the report and noted that the Joint Standards Committee had discussed the Model Code of Conduct which would be included in the Constitution in January. It was confirmed that a few amendments had been requested and Hoey Anscough were working on these amendments to the Model Code of Conduct. Officers confirmed that consultation would take place with Trade Unions on a review of the Officer Code of Conduct. It was confirmed that the Joint Standards Committee had requested to amend their position to allow for substitutes to attend the meeting, if the named Committee Members could not attend.

The Committee discussed several areas requiring further amendments prior to being considered by Full Council. It was confirmed that the introduction to the Constitution would be completed with input from the Chair and Vice Chair of the Committee. It was also confirmed that amendments would be made to reflect the changes to the People's Directorate Structure.

Members discussed the role of Independent Members on the Audit and Governance Committee. They noted that it had been a challenge for the Council to recruit an Independent Member, but nevertheless felt that it would be appropriate and beneficial to the Committee to seek two Independent Members to support the Audit and Governance Committee. Term lengths for Independent Members were also discussed. It was suggested that two consecutive four year terms be offered to Independent Members. It was felt that by offering two terms, the role would be seen as more appealing and could assist individuals in gaining the relevant knowledge on the Committee, therefore being able to provide greater support.

The inclusion of Veritau in the Constitution was raised by Members who enquired whether this would fix the Council to the auditor in the future. Officers confirmed that the Council was required to name its internal auditor in the Constitution. If the Council ended its relationship with Veritau an amendment to the Constitution would be required to identify the Council's new internal auditor.

Planning committees were discussed and it was confirmed that Main Planning and Area Planning Sub Committee would be renamed to Planning Committee A and Planning Committee B. Members debated whether it was appropriate for Executive Members to be able to sit on planning committees, especially in applications where the Council was the applicant. It was confirmed that there was no legal prevention for Executive Members to consider applications as a Member of a planning committee even if this was a Council application. It was confirmed that Full Council were going to be asked to vote on whether Executive Members should or should not be eligible to sit on planning committees.

Further discussions took place which related to Executive Members on planning committees and the guidance provided for declarations of interest. The importance of clear guidance was highlighted with reference to issues raised in relation to the Public Interest Report (PIR) the Council had received. It was noted that in the Localism Act that Councillors should consider the guidance on declarations of interest and determine for themselves, if they had an interest which meant they could not make a decision on an item of business.

Discussion took place as to whether the Committee should recommend to Full Council, that if Executive Members were permitted to sit on planning committees that they should not participate in the meeting if they had voted on an item in another meeting which was connected to the planning application.

The Committee voted 3 in favour, 3 against, and 1 abstention, with the Chair casting the deciding vote in favour of a proposal to recommend to Council that:

'Should Council agree that Executive Member would continue to be eligible to sit on planning committees, that on any council

application that goes before Planning Committee A, Executive Members would be unable to participate in that item.'

Recommended: That Council consider the revised Constitution at their meeting on 24 March 2022, for adoption with the following amendments:

- a) That Audit and Governance Committee have room available for two Independent Members of the Committee and not one;
- b) That Independent Members on Audit and Governance Committee be able to hold two four year terms;
- c) That should Council agree that Executive Members would continue to be eligible to sit on planning committees, that on any council application that goes before Planning Committee A, Executive Members would be unable to participate in that item.

Reason: It is noted that the review of the Constitution also contributes significantly towards the progress against the Action Plan prepared in response to the Report in the Public Interest accepted by Full Council on 4th May 2021.

Cllr M Pavlovic, Chair

[The meeting started at 5.32 pm and finished at 7.50 pm].