

CABINET

9 July 2010

MINOR AMENDMENTS TO THE CONSTITUTION

REPORT OF HEAD OF DEMOCRATIC SERVICES

Contact Officer: Nancy Graham Tel No: 01962 848 235
ngraham@winchester.gov.uk

RECENT REFERENCES:

Minutes of Cabinet held 9 June 2010.

EXECUTIVE SUMMARY:

This report proposes some minor amendments to the Constitution.

Changes to the Portfolio Holder Delegation Scheme resulting from the new Portfolio Holder titles/roles agreed at Cabinet on 9 June 2010 are set out in Appendix 1 (Part 3 of the Constitution, Section 3).

Paragraph 2 also proposes adjustments to the quorum for Council Committees.

RECOMMENDATIONS:

TO CABINET:

That it be recommended to Council:

1. That the amended Portfolio Holder Delegation Scheme be approved as set out in Appendix 1 to the Report (Part 3 of the Constitution, Section 3).
2. That the changes to the Council's Procedure Rules be approved as set out in Appendix 2 of the Report.

CABINET

9 July 2010

MINOR AMENDMENTS TO THE CONSTITUTION

REPORT OF HEAD OF DEMOCRATIC SERVICES

DETAIL:

- 1 Scheme of Delegation to Portfolio Holders
 - 1.1 The new Portfolio Holder titles/roles agreed at Cabinet on 9 June 2010 require consequential changes to the Scheme of Delegation to Portfolio Holders (contained in Part of the Council's Constitution, Section 3).
 - 1.2 There are no additional Portfolio Holder delegations proposed – existing delegations have been moved to the relevant new Portfolio Holder.
 - 1.3 The revised 'Section 3 – Portfolio Holders' is attached as Appendix 1 to the Report. This includes a map of the District outlining which geographical areas are the responsibility of the Portfolio Holder for Winchester and Surrounds and the Portfolio Holder for the Rural Areas and Market Towns.
- 2 Quorum of Committees etc
 - 2.1 At Annual Council on 19 May 2010, it was agreed that the size of many of the Council's Committees should be reduced. As a consequence, it is proposed that the quorum for meetings be reduced accordingly.
 - 2.2 Currently, the quorum for every Committee is five (apart from Cabinet and Standards Committee – see below). Apart from these exceptions, it is proposed that the quorum for every Committee be reduced to four Councillors.
 - 2.3 The quorum for Cabinet is currently four: it is proposed this is reduced to three.
 - 2.4 The quorum for Standards Committee is three Councillors, plus one Independent Member, and where parish issues are discussed, one Parish member must also be present. It is not proposed to make any changes to this Committee.
 - 2.5 All the above changes require amendments to the Council's Procedure Rules as detailed in Appendix 2 of the Report.
 - 2.6 At Cabinet on 7 April 2010, during a discussion regarding the arrangements for attendance at Planning (Viewing) Sub-Committees, it was agreed that the quorum of these Sub-Committees be increased from three to four (Report [CAB2008](#) and [minute](#) refers). However, if the quorum for the main Planning (Development Control) Committee is reduced as proposed above, it is suggested that the quorum for the Planning (Viewing) Sub-Committee revert to three (and the consequential amendments be made to Part 3 of the Constitution, Responsibility for Functions, Paragraph 4.2).

- 2.7 The alteration to the quorum of the Planning Development Control Committee requires a change to Part 3 of the Constitution, Section 4 – see Appendix 2 of the Report.

OTHER CONSIDERATIONS:

1 SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

- 1.1 Relevant to the strategic priority of being an efficient and effective Council.

2 RESOURCE IMPLICATIONS:

- 2.1 Work on updating the Constitution is undertaken within existing resources.

3 RISK MANAGEMENT ISSUES

- 3.1 None.

4 BACKGROUND DOCUMENTS: None

APPENDICES:

Appendix 1 – Proposed Scheme of Delegation to Portfolio Holders (Part 3 of the Constitution, Section 3)

Appendix 2 – Proposed changes to Constitution regarding quorum numbers

SECTION 3 – THE PORTFOLIO HOLDERS

3.1 The following Members have been appointed with responsibility for the portfolio set out below. No individual Member of the Cabinet, Leader or Portfolio Holder, may discharge executive functions without the authority of the Council. The authorisations that have been given are set out in paragraph 3.2 below. The procedure for decision making by an individual Member of Cabinet is set out in paragraph 22 of the Access to Information Procedure Rules’.

Portfolio	Name of Councillor	Areas of responsibility	Key Strategies	Key Projects/Programmes
Leader with Portfolio for Transformation and Resources	Councillor Learney	Finance Organisational Development Estates IT Revenues & Benefits Democratic Services Legal Services Customer Service Improvement & Partnerships Project Management Communications	Corporate Transformation Plan Budget Financial Strategy	Transforming Winchester <ul style="list-style-type: none"> • Flexible Resource Management • Collaborative working • Customer Excellence • Business Planning • Organisational culture Silver Hill All IT projects in IT contract Corporate Accounting
Economic Prosperity	Councillor Hiscock	Economic Development Culture Historic Environment Tourism	Community Strategy Economic Prosperity Change Plan	Leader programme RPLC/Meadowside 2012: a) extended and revised leisure management contract b) major refurbishment of RPLC
High Quality Environment	Councillor Bell	Sustainability Environmental Protection/Health Landscape Services Waste Management Traffic &	Community Strategy LDF High Quality Environment Change Plan	Depot Services Contract WTAP Climate Change programme

		transport Planning DC & Enforcement Building Control Parking		
Communities	Councillor Thompson	Landlord Services Strategic Housing Management Community Safety Community Wellbeing Recreation and Sports Equalities	Community Strategy HRA Business Plan/Budget Safe and Strong Communities Change Plan Community Safety Strategy Housing Strategy	HRA Future Equalities CCTV Safeguarding
Winchester & surrounds **	Councillor Collin	LDF & Place Shaping – Winchester	LDF Housing Strategy Vision for Winchester	Barton Farm
Deputy Leader with Portfolio for Rural areas & Market Towns **	Councillor Evans	LDF & Place Shaping– Rural Areas & Market Towns	LDF Housing Strategy	West of Waterlooville Whiteley Push SDAs South Downs National Park

** See Map Annexed at Appendix A for “Winchester and Surrounds” and “Rural Areas and Market Towns”

Key to abbreviations:

*HRA – Housing Revenue Account
LDF – Local Development Framework
SDA – Strategic Development Area
WTAP – Winchester Town Access Plan
RPLC – River Park Leisure Centre*

3.2 Scheme of Delegation to Portfolio Holders

The Leader

1. To act in the place of any portfolio holder having delegated authority under this Scheme.
2. The acquisition (within the budget and policy framework approved by Council) or the disposal of any interest in land at best consideration for a sum not exceeding £400,000.
3. To authorise any lettings, lease renewals, rent reviews or licences (at best consideration) either by the Council or to the Council, in respect of which the rent or licence payment does not exceed £150,000 per annum, in the case of lease renewals, rent and licence fee reviews the limit of £150,000 relates to the payment sum prior to the transaction.
4. In relation to procurement contracts for works, goods, software or services up to a value of £1,000,000 or £200,000 per annum, whichever is the greater:
 - (i) Approval of price/quality evaluation criteria.
 - (ii) Approval of short-listing procedures, short-list selection and approved lists of contractors, including the authorisation of any departures from Contract Procedure Rules.
 - (iii) Award of contract.
 - (iv) Approval of schemes under Financial Procedure Rule 6.4 – authority to release expenditure for capital schemes.
 - (v) Approval of final costs of capital schemes under Financial Procedure Rule 7.12.

Subject to there being appropriate budget provision within the budget and policy framework approved by Council, including appropriate virement.

In consultation with the Portfolio Holders for Winchester and Surrounds or Rural Area and Market Towns (as appropriate):

5. To authorise comments on the Development Plan or Local Development Framework of other local authorities.
6. To agree the release of money from the Open Space Fund for individual projects, up to a limit of £100,000 per project.

7. Approval of draft Supplementary Planning Guidance and Supplementary Planning Documents for publication for public consultation, with the approval of the final Guidance/Document to be made by Cabinet or the Cabinet (Local Development Framework) Committee.

Each Portfolio Holder

1. To incur expenditure or to make decisions in connection with the operation of services within the budget and policy framework approved by Council, other than on contract award, IT projects, or where a more specific delegation is granted in this scheme, subject to:
 - (a) in relation to individual matters where Cabinet has specifically authorised delegation to a portfolio holder up to a limit per project of £500,000 and
 - (b) in any other case up to £200,000.
2. Determination of fees and charges for services within the budget and policy framework.
3. To approve relevant business plans designed to deliver the Council's policy framework within the agreed budget.
4. To authorise public consultation on strategies and policies within the budget and policy framework.
5. To comment on behalf of the Council on consultation papers issued by Government or any other public body.
6. To approve Equality and Diversity Service Reviews and Action Plans.
7. To approve the response to be taken to service action plans, external inspection reports, monitoring reports, scrutiny reports and post implementation reviews.

Portfolio Holder for Communities

1. To authorise Community Chest grants in accordance with any policies approved by Cabinet up to a limit of £500 in any individual case.
2. To authorise any minor non-recurring or emergency grants (other than those approved under the Annual Revenue Grants Scheme) up to a limit of £10,000 in any individual case.
3. To approve community transport scheme grants up to a limit of £5,000 per project.

4. To authorise public consultation on the possible development of Housing Revenue Account land.
5. To authorise disposals of up to 10 vacant dwellings in any financial year, in accordance with approved policy and the Council's Housing Strategy.
6. To authorise the commitment of developers' contributions to support specific affordable housing schemes, subject to available resources.

Portfolio Holder for High Quality Environment

1. To authorise public consultation on proposed traffic regulation and parking orders.
2. To authorise the making of traffic regulation and parking orders except where:
 - (a) a ward Councillor registers a request that the matter be not determined by the portfolio holder;
 - (b) a parish council submits representations contrary to the officer recommendation;
 - (c) Ten or more representations from separate addresses are received (and not withdrawn) which are contrary to the officer recommendation;

and in these cases the matter will be referred at the portfolio holder's discretion either to Cabinet, or to the Cabinet (Traffic and Parking) Committee for determination.

3. To agree Historic Building Grants up to a limit of £25,000 per project
4. To agree Environmental Improvement grants up to a limit of £25,000 per project.

Portfolio Holder for Economic Prosperity

None specific.

Portfolio Holder for Winchester & Surrounds

None specific.

Portfolio Holder for Rural areas and Market Towns

None specific.

Scheme of Delegation to Portfolio Holders – Appendix A

Council Procedure Rules - Extract

23. QUORUM – CABINET, COMMITTEES AND SUB-COMMITTEES

- (1) Except as provided in paragraphs (2), (3) and (4) hereof, the quorum of Cabinet shall be threefour, and of every Committee shall be fourfive and of every Cabinet Committee or Sub-Committee three.
- (2) The number of members comprising the Appeals and Disputes Committee when hearing an appeal or other matter shall be three in accordance with Procedure Rule 17.
- (3) The quorum for the Housing (Appeals) Committee shall be three.
- (4) The quorum for the Standards Committee shall be three Councillors plus one Independent Member and, where parish issues are discussed, one Parish member must also be present.

When the Standards Sub-Committee is hearing a complaint about an individual member the quorum shall be three Members of the Committee to include an Independent Member, and where a parish matter is being considered, a parish Member.

Responsibility for Functions – Section 4 – Extract

4.2 Planning Development Control (Viewing) Sub-Committee

To consider and determine those planning applications which the Planning Development Control Committee decides should first have a site visit by a group of members, unless Planning Development Control Committee decides when it is set up that it should specially report back to Committee.

NB: The Sub Committee will be appointed in accordance with:

- (a) the political balance of the Council, or;
- (b) under alternative arrangements approved by the Planning Development Control Committee from time to time.
- (c) The membership of Planning Development Control (Viewing) Sub-Committee is drawn from those Members that attended the Planning Development Control Committee meeting which set up the Viewing Sub-Committee. As the Viewing Sub-Committee will not hear a full repeat of the officer's presentation, nor any public participation, new deputies that did not attend the original Planning Development Control Committee cannot participate in the subsequent Viewing Sub-Committee.

The quorum will be threefour Members in attendance.