

Full Council – 13 March 2024

REVIEW OF THE COUNCIL'S CONSTITUTION

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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive summary

The review of the Council's constitution over the course of this council year has predominantly been an exercise in ensuring legislative, consequential and other updates are reflected bearing in mind the comprehensive review of the Constitution in 2019. The bulk of changes identified were agreed by Full Council in November 2023 and February 2024 and further proposed changes will come to Full Council once they have been considered by the relevant Committee, for example the Social Media Guidance for Councillors is under review by the Standards Committee.

This report recommends the adoption of a revised Councillors' Planning Code of Good Practice, after a comprehensive review and relaunch by Lawyers in Local Government (LLG). Given the Council's existing Code has not been updated for some time (last updated in 2014) and, is now out of step with the Councillors' Code of Conduct, it is expedient to seek full Council approval without delay so that training for Planning Committee members in the new Council year reflects up to date guidance.

The report also seeks delegations to make revisions to the Terms of Reference of the Joint Negotiating Committee (Employers' Side), to ensure compliance with the Council's arrangements in respect of the Local Authority (Standing Orders)(England)(Amendment) Regulations 2015, and the model procedures laid down in the JNC Chief Executives Handbook in relation to grievances against senior officers.

1. Decision/s to be made

- 1.1 That the revised Councillors' Planning Code of Good Practice (attached at **Annex A**) be adopted.
- 1.2 That the Procedure for Public Participation at Planning Committee Meetings, be amended as set out in **Annex B**.
- 1.3 That the Joint Negotiating Committee (Employers' Side) Terms of Reference be amended as set out in **Annex C**.
- 1.4 That authority be delegated to the Director of Law and Governance to:
 - a) in consultation with the chair and vice chairs of the Planning Committee, make minor typographical or consequential amendments to the Councillors' Planning Code of Good Practice; and
 - b) agree arrangements for hearings of a Grievance Sub-committee, or Grievance Appeal Sub-committee, in consultation with the Chair and Vice Chairs of the Joint Negotiating Committee (Employers' Side).

2. Why is the decision needed?

Councillors' Planning Code of Good Practice

- 2.1 The Council's current Planning Code of Good Practice is based on a 2013 version of 'Probity in Planning' prepared by the Planning Advisory Service (PAS) which was in circulation at the time and (the Council's version) has not been refreshed since.
- 2.2 Since this time the Council has adopted a new Councillors' Code of Conduct, which does not reconcile with the existing Code of Good Practice, and whilst the themes of the LLG and PAS versions are similar, the LLG version has recently been fully updated to clarify some of the points concerning consistency and reasoning in decision making and underscores the potential impact of social media interactions upon proceedings. The Council's Monitoring Officer was part of the team that undertook the review and authored the updated version and did so having regard to best practice at MKCC and the real issues that planning councillors at MKCC face and for which practical advice would be useful (for example the use of social media in relation to their role).
- 2.3 The revised LLG code was published in late January and is a document which can be used by all MKCC Councillors regardless of whether they are a member or substitute member of the Planning Committee. It makes very clear the requirements of Councillors who have a disclosable pecuniary interest, other or non-registerable interest and the role they may or may not play in decision making.
- 2.4 Officers have made minor amends to reflect local arrangements circumstances and normally Planning Committee would consider this document and make a recommendation to Council. However as there will be no opportunity for Council to consider the matter until June, it seems prudent to adopt the Planning Code of Good Practice now.

Procedure For Public Participation At Planning Committee Meetings

- 2.5 Since revised procedures for public participation at planning committee were agreed earlier this year, the question of whether those who have registered to speak can request that their speech is read by the clerk if they are unable to attend or have technical issues. The previously agreed procedures indicated that this was in order for those who had technical issues but did not cover illness or other issues preventing attendance. A minor revision to section 10 of the procedures is therefore proposed which is shown in Annex C with tracked changes.

Joint Negotiating Committee

- 2.6 The Local Authority (Standing Orders)(England)(Amendment) Regulations 2015 introduced very specific provisions about the dismissal or discipline of the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Chief Officers). These provisions are reflected in the Council's Employment Procedure Rules and the Council has established a Statutory Officer Disciplinary Panel.
- 2.7 However, JNC model arrangements also require separate provisions in relation to grievances which cannot be considered by the Statutory Officer Disciplinary Panel. Therefore, it is proposed to amend the JNC(E) terms of reference to include the power to establish a Grievance Sub-committee and Grievance Appeal Sub-committee, in order to consider grievances against chief officers as the need arises.

2. Implications of the decision

Financial	Y	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	N
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

a) Financial implications

There are no financial implications arising from any of the recommendations.

b) Legal implications

At present the Council's Chief Officers' terms and conditions are based on the arrangements in the JNC Chief Executive Handbook, which includes provisions for dealing with grievances. If the JNC(E) terms of references are not amended there would not be provisions to hear grievances.

3. Alternatives

- 3.1 Council could defer a decision about either matter and ask for a recommendation from the Planning Committee or Joint Negotiating Committee (Employers' side). However, neither committee is scheduled to meet in the near future, and this would mean that Council could not consider the matter until June 2026 at the earliest. Similarly, the Council could simply take no action, adopting neither recommendation could be adopted meaning existing provisions would apply. This is not recommended.

4. Timetable for implementation

- 4.1 If adopted, the updated Councillors' Planning Code of Good Practice and JNC(E) terms of reference would take effect immediately.
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Annexes

- Annex A Councillors' Planning Code of Good Practice
- Annex B Amended Procedure For Public Participation At Planning Committee Meetings shown with tracked changes.
- Annex C Amended Terms of Reference for Joint Negotiating Committee (Employers Side) shown with tracked changes.