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To: All Members of the Borough Council

You are requested to attend the meeting of the Charnwood Borough Council to be held as a virtual meeting on Zoom, on Monday, 7th September 2020 at 6.30 pm for the following business.

Chief Executive

Southfields
Loughborough

26th August 2020

AGENDA

1. APOLOGIES
2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS
3. MINUTES OF THE PREVIOUS MEETING 5 - 13

To confirm the minutes of the Council meeting held on 29th June 2020.

4. ANNOUNCEMENTS
 - 4.1. MAYOR'S ANNOUNCEMENTS

To receive announcements from the Mayor (if any).
 - 4.2. LEADER'S ANNOUNCEMENTS

To consider significant, recent matters affecting the Council or the Borough (if any).

4.3. CHIEF EXECUTIVE'S ANNOUNCEMENTS

To receive announcements from the Chief Executive (if any).

5. PETITIONS

To allow councillors to formally submit petitions for consideration under the Council's petition scheme, as set out in Full Council Procedure 9.8.

6. BUSINESS RESERVED TO COUNCIL

To consider the following matters reserved to Council in accordance with Section 5 of the Constitution:

6.1. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN REVIEW LETTER 2019/20 14 - 19

A report of the Head of Strategic Support to make Members aware of the Local Government & Social Care Ombudsman's (LGSCO) review letter for 2019/20 and two cases of complaints which were upheld by the LGSCO during the year, in accordance with the LGSCO's guidance which is that the Monitoring Officer should make a periodic report to Councillors summarising any upheld complaints.

6.2. ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION 20 - 37

To consider proposed amendments to the Constitution following the annual review.

7. CALL-IN REFERENCES

There are no references to Council following the call-in of a Cabinet decision under Scrutiny Committee Procedure 11.7.

8. POSITION STATEMENTS

8.1. LOCAL GOVERNMENT WHITE PAPER - PLANNING FOR THE FUTURE

To consider a position statement submitted by the Leader under Full Council Procedure 9.10.

8.2. IMPACT OF COVID-19 ON THE COUNCIL

To consider a position statement submitted by the Labour Group under Full Council Procedure 9.10.

9. MOTIONS ON NOTICE 38 - 39

To consider the following motion on notice submitted under Full Council Procedure 9.12:

9.1. LOCAL ELECTRICITY PRIVATE MEMBER'S BILL 2020

Motion submitted by the Labour Group.

10. QUESTIONS ON NOTICE

To deal with the following questions on notice, submitted under Full Council Procedure 9.9(a):

10.1. TWINNING TOWN - ZAMOSC

Question submitted by Councillor Tillotson.

10.2. FLOODING

Question submitted by Councillor Gerrard.

10.3. MORATORIUM ON HOUSING EVICTIONS DUE TO THE PANDEMIC

Question submitted by Councillor Draycott.

10.4. FINANCIAL RECOVERY

Question submitted by Councillor Bolton.

10.5. CANCELLED EVENTS

Question submitted by Councillor Draycott.

10.6. CONFIDENTIAL DOCUMENTS

Question submitted by Councillor J Bradshaw.

11. MINUTE REFERENCES

There are no minute references.

12. URGENT EXECUTIVE DECISIONS EXEMPTED FROM CALL-IN 40 - 68

A report of the Chief Executive to note decisions which were exempted from call-in in accordance with Scrutiny Committee Procedure 11.9.

13. URGENT COUNCIL FUNCTION DECISIONS TAKEN DURING COVID-19 PANDEMIC 69 - 91

A report of the Chief Executive to note the action taken by the Chief Executive, and/or Strategic Directors and Heads of Service, in respect of Council function

decisions which were made under urgency provisions due to the COVID-19 pandemic.

14. CHANGES TO THE DELEGATION OF EXECUTIVE FUNCTIONS 92 - 105

A report of the Chief Executive to inform Council of changes to the delegation of Executive functions.

15. APPOINTMENTS TO COMMITTEES

To consider any changes to Committee membership for the current Council year (2020/21) (if any).

FORTHCOMING SCHEDULED MEETINGS OF COUNCIL

Council Meeting Date	Deadline Date and Time for Councillors to submit Questions on Notice (under Full Council Procedure 9.9(a)), Requests for Position Statements (under Full Council Procedure 9.10) and Motions on Notice (under Full Council Procedure 9.11(a))
Monday, 9th November 2020	Friday, 30th October 2020 at noon
Monday, 18th January 2021	Friday, 8th January 2021 at noon
Monday, 22nd February 2021	Friday, 12th February 2021 at noon
Monday, 26th April 2021	Friday, 16th April 2021 at noon
Monday, 17th May 2021	Annual Council – No Questions on Notice, Position Statements and Motions on Notice

Councillors, please send your question, request for position statement or motion on notice to:

Karen Widdowson, Democratic Services Manager
Council Offices, Southfield Road, Loughborough, LE11 2TX
Email: democracy@charnwood.gov.uk

CHARNWOOD BOROUGH COUNCIL

MEETING OF THE CHARNWOOD BOROUGH COUNCIL

**VIRTUAL MEETING - ZOOM
ON 29TH JUNE 2020**

PRESENT

The Mayor (Councillor Seaton)
The Deputy Mayor (Councillor Snartt)

Councillor Bailey	Councillor Howe
Councillor Baines	Councillor Hunt
Councillor Barkley	Councillor Lowe
Councillor Bentley	Councillor Mercer
Councillor Bokor	Councillor Miah
Councillor Boldrin	Councillor Morgan
Councillor Bolton	Councillor Murphy
Councillor J. Bradshaw	Councillor Needham
Councillor S. Bradshaw	Councillor Pacey
Councillor Brennan	Councillor Paling
Councillor Brookes	Councillor Parsons
Councillor Campsall	Councillor Parton
Councillor Capleton	Councillor Poland
Councillor Charles	Councillor Popley
Councillor Draycott	Councillor Radford
Councillor Forrest	Councillor Ranson
Councillor Fryer	Councillor Rattray
Councillor Gerrard	Councillor Rollings
Councillor Goddard	Councillor Savage
Councillor Grimley	Councillor Shepherd
Councillor Hadji-Nikolaou	Councillor Smidowicz
Councillor Hamilton	Councillor Tassell
Councillor Harper-Davies	Councillor Taylor
Councillor C. Harris	Councillor Tillotson
Councillor K. Harris	Councillor Ward

Honorary Aldermen R Shields, T Stott, J Tormey and P Day

1. OPENING THE MEETING

The Mayor welcomed the Lord Lieutenant, Mr Kapur and Honorary Freeman Lez-Cope-Newman and Mike Jones and other attendees to the meeting. The Mayor then went on to state that the meeting was being live streamed and recorded, and the recording would be made available on the Council's website. In addition, under the Openness of Local Government Bodies Regulations people may film, record, tweet or blog the meeting and that was outside the Council's control.

Reverend Tim Day led a tribute to those that had been affected by the Covid-19 Pandemic over the recent months and a minute's silence was held for those that had lost their lives.

2. APOLOGIES

Apologies for absence Apologies for absence were received from Honorary Alderman Bush and Simon Jackson.

3. APPOINTMENT OF MAYOR

In accordance with Council Procedure 9.1 of the Council's Constitution, Council considered electing a Mayor for the 2020/21 Council year. It was proposed by Councillor Hamilton and seconded by Councillor Taylor that Councillor Snartt be elected Mayor of the Borough of Charnwood for the 2020/21 Council year and until his successor becomes entitled to act as Mayor.

In proposing the motion, Councillor Hamilton complimented Councillor Snartt on his polite, positive and cheerful nature. He referred to Councillor Snartt's military career and stated that after joining the RAF at age 16, he spent 12 years as an engineer and remained active in the Armed Forces community today. Following this, Councillor Snartt had enjoyed a long career as a Manager at Xerox, and upon retiring, became involved in local politics as a Parish Councillor.

In 2003, Councillor Snartt progressed his political career, becoming District Councillor for the Forest/Bradgate ward. Councillor Hamilton stated that despite pride in his own ward, it was easy to be envious of any Councillor that represented a ward known for such picturesque beauty.

Councillor Snartt's experience at Charnwood Borough Council included acting as Cabinet Lead Member for Communities and Health amongst other important roles focussing on crime reduction and community safety. He also represented the Council as a Trustee of the Herrick Homes Charity.

Between 2005 and 2017, Councillor Snartt was a member of Leicestershire County Council, and Chairman during the 2015-16 Council year. In addition, he had been a past Chairman of the Bradgate Park Trust and for this service was awarded the title of Honorary Alderman.

Councillor Snartt had a keen interest in sports, specifically Cricket, acting as Vice President of his local Cricket club, tennis and squash. In addition, Councillor Snartt is known for his enthusiasm for gardening, and supplying neighbours and fellow Councillors with his home grown produce.

It was noted that his wife Joan would support him in his Mayoral year as Mayoress. Together they had two children, four grandchildren and one great grandchild.

Councillor Hamilton concluded by stating that Councillor Snartt had fulfilled his goal of making a true difference to the community over the years, and that he believed

Councillor Snartt would embrace his new role as Mayor with his usual sense of public duty.

In seconding the motion, Councillor Taylor stated that it was Councillor Snartt that had encouraged her to stand as a Borough Councillor in May 2015. She complimented his nature and stated that he was always smiling.

Amongst many other hobbies, Councillor Snartt enjoyed horse racing and would regularly offer Councillor Taylor a 'great tip' on a potential winner, whilst delivering his homegrown runner beans to her.

Councillor Taylor stated that she admired and respected Councillor Snartt's commitment to achieve the best for his residents and his determination to succeed, whilst maintaining a pleasant and persuasive manner. She said that Councillor Snartt had been the best mentor to her when she began her political career, providing her with guidance and encouragement. She believed that without Councillor Snartt's support, she may not have attained the political positions that she holds today.

In concluding, Councillor Taylor stated that she believed Councillor Snartt would be an excellent ambassador for the Council, promoting Charnwood and raising money for his chosen charities. She wished Councillor Snartt and his wife Joan luck in their Mayoral year, anticipating that they would spread knowledge and humour across the Borough.

Following the above speeches, the Mayor put the motion to the vote and it was

UNANIMOUSLY RESOLVED that Councillor Snartt be elected Mayor of the Borough of Charnwood for the 2020/21 Council year and until his successor becomes entitled to act as Mayor.

Following this, Councillor Snartt verbally made a declaration of acceptance of office, noting that the official acceptance form would be duly signed in the presence of the Proper Officer when circumstances permit. Councillor Snartt then officiated for the remainder of the meeting.

The Mayor began his acceptance speech by thanking those present at the meeting and for the kind words of his colleagues and fellow Councillors. He then went on to thank key workers and the NHS for their work during the recent pandemic. He thanked the Council staff for their dedication and for ensuring that front line services continued for the benefit of Charnwood Borough residents. He thanked the many volunteers that had helped to provide essential items to those in need, specifically the elderly and the vulnerable. Councillor Snartt stated that he was looking forward to meeting many of the frontline staff that had supported communities in recent times so that he could thank them personally. Finally, he thanked his wife Joan, who would support him in his Mayoral year as Mayoress.

The Mayor acknowledged the importance of the Mayor to the people of Charnwood and stated that he would do his best to uphold the excellent contribution that past Mayors had given. The Mayor anticipated that the year ahead would be challenging, given the current circumstances, but stated that he would offer help where possible.

He concluded by expressing his delight at being chosen as Mayor and stated that it was unfortunate that he could not celebrate with colleagues, friends and family following the meeting. He hoped that this would be possible later in the coming year.

4. VOTE OF THANKS TO RETIRING MAYOR

Following the election of a new Mayor, Council considered a vote of thanks to the retiring Mayor, Councillor Brenda Seaton. It was proposed by Councillor Brookes and seconded by Councillor Bolton that this Council tenders to Councillor Seaton its thanks for the service she has provided as Mayor of the Borough of Charnwood and for the way in which she has presided over the Council's business during the past Council year.

In proposing the motion, Councillor Brookes thanked Councillor Seaton and Mrs Helen Johnson for the way in which they had represented the Borough through their Mayoral term. He stated that the term had been like no other and that Councillor Seaton had been the longest serving Mayor of Charnwood due to the current circumstances.

Councillor Brookes stated that Councillor Seaton had taken to being Mayor easily and that her playful character was evident from the beginning of the term. She had brought humour to every engagement she had attended and had got involved in many activities throughout the year. These included fancy dress, judging dog shows and shooting rifles amongst many other activities. Councillor Seaton had attended 340 events during her Mayoral year and would have exceeded 420 without restrictions being applied during the pandemic. Councillor Seaton had been fortunate to attend three of Loughborough's twinning towns; Epinal in France, Schwäbisch in Germany and Zamość in Poland.

Councillor Brookes commended Councillor Seaton for the way in which she conducted Full Council meetings as Chair. Her experience as a school teacher had been useful and she was known for her direct manner. Councillor Brookes recalls Councillor Seaton as Mayor, interrupting the Leader during one meeting of the Full Council, when he had exceeded his allocated speaking time. He stated that this approach meant that Full Council meetings operated efficiently.

Councillor Brookes concluded by stating that Councillor Seaton had been a fantastic Mayor and that she had represented the Borough well.

In seconding the motion, Councillor Bolton stated that she felt privileged to be able to do so and acknowledged the challenge that Councillor Seaton had endured as Mayor during this difficult time and that she had not been able to fulfil some of her duties.

Councillor Bolton considered Councillor Seaton an exemplary Mayor. At her first Full Council meeting as a newly elected Councillor, she had not stood up at the appropriate time, and she recalled Councillor Seaton's look of disapproval. Councillor Bolton learnt from the experience and had never failed to stand again.

Councillor Seaton had been involved in two royal visits, and one of her highlights as Mayor was attending the 103rd birthday party of a resident. In addition to her community work, Councillor Seaton had visited all departments of the Council to thank staff for their work.

Councillor Seaton was also the first Mayor of Charnwood to participate in virtual meetings and to record virtual messages of support to residents and communities. In addition to this, she became the first Mayor of Charnwood to operate a Facebook page had been set up for Councillor Seaton to update residents on her Mayoral activities.

Councillor Seaton's chosen Mayoral charity was Admiral Nurses, which provided support to the families of dementia patients. During her term, in excess of £3,700 had been raised.

Finally, Councillor Bolton thanked both Councillor Seaton and Mrs Helen Johnson for their service.

Following the above speeches, the Mayor put the motion to the vote and it was

UNANIMOUSLY RESOLVED that this Council tenders to Councillor Seaton its thanks for the service she has provided as Mayor of the Borough of Charnwood and for the way in which she has presided over the Council's business during the past Council year.

The Council records its gratitude for the manner in which she has maintained the position of the Mayoralty and the work she has done in meeting so many people in the Borough throughout the year. The Council also extended its thanks to Mrs Helen Johnson for her service as Mayoress and for the help and support she provided to the Mayor and for the considerate and committed way in which she has undertaken her role. The Council assured both Councillor Seaton and Mrs Helen Johnson that they have the best wishes of all its members for their future health and wellbeing.

Councillor Seaton responded by thanking both Councillor Brookes and Councillor Bolton for their kind words and referred to the amazing year she has had as Mayor.

Councillor Seaton stated that she had participated in many activities during her Mayoral term, including meeting pantomime dames, enjoyed balls and dinners, attended graduations and awards ceremonies, where she had seen acknowledgements of remarkable feats of endurance and dedication by members of the community. Councillor Seaton recalled her visit to Gypsum mines in Barrow-Upon-Soar where she had received a presentation and a tour, only to become lost in a vehicle with the manager of the mine. She remembered that the radios had failed and that the manager had advised that they abandon the vehicle and walk to the nearest station to call for help in the darkness. She described the event as exciting.

Councillor Seaton gave thanks to the team that supported her during her term, and referred specifically to the Civic Officer, Carol Hardy, with whom she had become good friends. Finally, Councillor Seaton thanked the people of Charnwood for making the Borough interesting, friendly and more equal. She stated that the Borough was filled with music, dancing, art, friendship, ambition and hope.

Councillor Seaton concluded by stating that she was confident that the new Mayor would make Charnwood proud and wished him luck for the year ahead.

5. APPOINTMENT OF DEPUTY MAYOR

In accordance with Council Procedure 9.1 of the Council's Constitution, Council considered electing a Deputy Mayor for the 2020/21 Council year. It was proposed by Councillor Morgan seconded by Councillor Miah and

UNANIMOUSLY RESOLVED that Councillor Paul Baines be elected Deputy Mayor of the Borough of Charnwood for the 2020/21 Council year. Following this, Councillor Baines verbally made a declaration of acceptance of office, noting that the official acceptance form would be duly signed in the presence of the Proper Officer when circumstances permit.

6. DISCLOSURES OF PERSONAL AND PECUNIARY INTEREST

No disclosures of personal or pecuniary interest were made.

7. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of Council held on 24th February 2020 were confirmed and signed.

8. POLITICAL BALANCE AND APPOINTMENTS TO COMMITTEES FOR 2020/21

A report of the Chief Executive, in respect of the arrangements for considering political balance and making appointments to committees for 2020/21, was submitted (item 7 on the agenda filed with these minutes).

A supplementary report of the Chief Executive was also submitted, presenting the nominations received from political groups and ungrouped councillors in order to make appointments to committees, including appointment of Chairs and Vice-chairs (where Council makes these appointments), for the 2020/21 Council year (also filed with these minutes). It was proposed by Councillor Morgan, seconded by Councillor Miah and

RESOLVED

1. That the political balance arrangements for the 2020/21 Council year, as set out in Appendix 1 of the report of the Chief Executive (circulated with the agenda), be approved in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.
2. That appointments be made to the Council's committees, including to the positions of Chair and Vice-chair where applicable, for the 2020/21 Council year as set out in the appendix to the supplementary report, and that the composition of the Loughborough Area Committee and the Scrutiny Call-in Committee be noted.
3. That Councillor Harper-Davies be nominated as Charnwood Borough Council's representative on the Police and Crime Panel for the 2020/21 Council year and

that Councillor Morgan be nominated as a substitute on the Police and Crime Panel for the 2020/21 Council year.

4. That Councillors Brennan, Radford and Seaton be appointed to the Housing Management Advisory Board on the basis of political balance (2 Conservative and 1 Labour).
5. That Councillor Needham be appointed to the Licensing Committee on the basis of political balance principals (10 Conservative, 4 Labour and 1 Other).

Reasons

1. To ensure that the composition of the Council's committees reflects the political balance of the Council.
2. To reflect the wishes of political groups and make allocations to non-grouped councillors in making appointments to applicable committees in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, to confirm appointments to other committees and to provide information regarding the composition of the Loughborough Area Committee and Scrutiny Call-in Committee.
3. To ensure that the Borough Council is represented on the Panel.
4. To make appointments to the Board for 2020/21.
5. To make appointments to the Committee for 2020/21.

9. MEMBERSHIP OF THE CABINET AND DELEGATION OF EXECUTIVE FUNCTIONS 2020/21

A supplementary report of the Chief Executive to inform Council of Cabinet membership and responsibilities for 2020/21, together with details of the delegation of Executive functions was submitted (item 8 on the agenda filed with these minutes).

Councillor Miah confirmed the Labour Group Shadow Lead Member appointments as follows:

- Shadow Lead for Neighbourhoods and Communities, Covid-19 and Leader of the Labour Group – Councillor Miah
- Shadow Lead for Economic Regeneration, Planning and Deputy Leader of the Labour Group – Councillor Hamilton
- Shadow Lead for Finance, Property and Assets – Councillor Bolton
- Shadow Lead for Cleanliness, Parks and Open Spaces – Councillor Paul Boldrin
- Shadow Lead for Social and Private Sector Housing – Councillor Alice Brennan
- Shadow Lead for Leisure, Culture and Markets – Councillor Jenni Tillotson
- Shadow Lead for Climate Emergency and Carbon Management – Councillor Emma Ward
- Shadow Lead for Young Persons – Councillor Kat Goddard.

10. EXTENSION OF APPOINTMENT OF INDEPENDENT PERSONS

A report of the Monitoring Officer to consider extending, for a further year, the period of office to the current Independent Persons, subject to their agreement was submitted (item 9 on the agenda filed with these minutes).

It was proposed by Councillor Tassell, seconded by Councillor Murphy, and

RESOLVED that the following persons be offered a further year's period of office, subject to their agreement with immediate effect until the end of the 2020/21 Council Year:

Mr Michael Pearson
Mr Mark Shaw
Mrs Christine Howell
Mr Gordon Grimes
Mr Richard Gough

Reason

To maintain experience and continuity and to comply with the requirements of section 28 of the Localism Act 2011.

11. TIMETABLE FOR COUNCIL AND COMMITTEE MEETINGS AND MEMBER TRAINING DAYS FOR 2020/21 AND 2022.

A report of the Chief Executive to consider a proposed timetable for Council and committee meetings and designated member training days for the next two Council years (2020 - 2022), from June 2020 to May 2022.

It was proposed by Councillor Poland, seconded by Councillor Miah, and

RESOLVED

1. That the schedule of Council, Cabinet, Scrutiny and other committee meetings for 2020-22, attached as Appendix 1 to the report, be approved.
2. That the proposed dates for member training days for 2020-22, attached as Appendix 2 to the report, be endorsed.
3. That delegated authority be given to the Head of Strategic Support to make minor amendments and corrections to the schedule of Council and committee meetings and member training days.

Reasons

1. To ensure that a schedule of meetings for 2020-22 is agreed to enable planning for the forthcoming two Council years.

2. To ensure that there is a timetable to enable planning for training and development days for councillors and co-opted members.
3. To enable minor amendments and corrections to be made in a timely manner.

12. ANNOUNCEMENTS

The Mayor made the following announcement.

'I can announce that the charity appeal for my Mayoral Year will contribute towards LOROS and Admiral Nurses.'

The Chief Executive had no announcements to make.

Note:

These minutes are subject to confirmation as a correct record at the next meeting of the Council which is scheduled for Monday 7th September 2020

COUNCIL – 7TH SEPTEMBER 2020

Report of the Monitoring Officer

Part A

ITEM 6.1 LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN
REVIEW LETTER 2019/20

Purpose of Report

To make Members aware of the Local Government & Social Care Ombudsman's (LGSCO) review letter for 2019/20 and two cases of complaints which were upheld by the LGSCO during the year, in accordance with the LGSCO's guidance which is that the Monitoring Officer should make a periodic report to Councillors summarising any upheld complaints.

Recommendation

That the Local Government & Social Care Ombudsman's appended review letter for 2019/20, and the summary of the upheld complaints as set out in Part B of this report, be noted.

Reason

To comply with the guidance from the Local Government & Social Care Ombudsman that the Monitoring Officer should make Members aware of upheld complaints on a periodic basis.

Policy Justification and Previous Decisions

The LGSCO's guidance is that the Monitoring Officer should report details of complaints to Members periodically.

Implementation Timetable including Future Decisions and Scrutiny

No further actions are required to implement the recommended decision.

Report Implications

The following implications have been identified for this report.

Financial Implications

There are none.

Risk Management

There are no specific risks associated with this decision.

Background Papers:

LGSCO Decision Summaries for the upheld complaints during 2019/20:

<https://www.lgo.org.uk/decisions/environment-and-regulation/other/18-017-168>

<https://www.lgo.org.uk/decisions/environment-and-regulation/trees/18-000-594>

Officer to contact:

Adrian Ward
Monitoring Officer
(01509) 634573
adrian.ward@charnwood.gov.uk

Part B

Background

1. The LGSCO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. They are a free service. They investigate complaints in a fair and independent way, and do not take sides.
2. Their annual review letter for 2019/20 is appended to this report, and notes that there were two upheld complaints during the year.

Comparative Summary

3. The following table summarises complaints about the Council dealt with by the LGSCO over the last 3 years:

LGO Decision	2019/20	2018/19	2017/18
Upheld	2	1	1
Not upheld	1	4	1
Closed after initial enquiry	7	9	10
Referred back to authority	10	8	10
Total	20	22	22

Upheld Complaints

4. The first upheld complaint (ref. 18-017-168) related to a complaint that the Council failed to properly investigate and take enforcement action for breaches of planning control and noise nuisance caused a boating company. The Ombudsman found evidence of delay by the Council and therefore upheld the complaint. The Council agreed to the recommended actions.
5. The second upheld complaint (ref. 18-000-594) related to a complaint that the Council failed to keep the complainant informed when it decided to issue a tree preservation order, but later reversed that decision. The Ombudsman recommended that the Council should write to the complainant to apologise, and pay him £150 for avoidable frustration, uncertainty and time and trouble caused.

Appendix

LGSCO Review Letter for 2019/20

22 July 2020

By email

Mr Mitchell
Chief Executive
Charnwood Borough Council

Dear Mr Mitchell

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

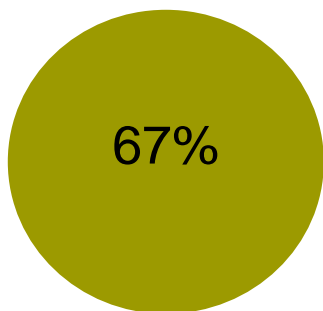
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



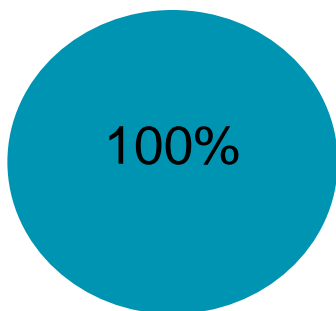
67% of complaints we investigated were upheld.

This compares to an average of **45%** in similar authorities.

2
upheld decisions

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations



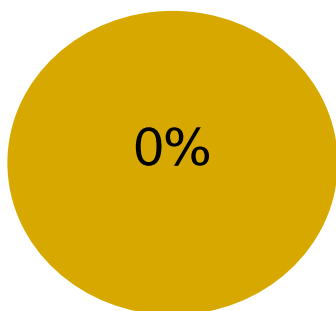
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **99%** in similar authorities.

Statistics are based on a total of 2 compliance outcomes for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority



In **0%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar authorities.

0
satisfactory remedy decisions

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2019 to 31 March 2020

COUNCIL – 7TH SEPTEMBER 2020

Report of the Cabinet

ITEM 6.2 ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

Purpose of Report

To consider proposed amendments to the Constitution following the annual review.

Recommendation

That the changes to the Constitution set out in appendix 1 to the report of the Monitoring Officer (attached as an Annex) be made, to be effective from 8th September 2020.

Reason

To ensure the Constitution is kept up to date and fulfils its intended purposes.

Policy Justification and Previous Decisions

Section 2.4 of the Constitution requires the Monitoring Officer to monitor and review the Constitution. These reviews are undertaken annually with the last such review being considered by the Cabinet on 14th March 2019 (Item 16, Minute 103 refers) and Council on 25th March 2019 (Item 6.2, minute 91.2 refers).

At its meeting on 13th March 2020, the Cabinet considered a report of the Monitoring Officer, proposing amendments to the Constitution following this year's annual review, for recommendation to Council. That report is attached as an Annex.

Due the Covid-19 Pandemic no ordinary Council meetings have been held following Cabinet consideration of this matter in March 2020, and accordingly the effective date needs to be from 8th September 2020.

An extract from the Cabinet minutes which details the Cabinet's consideration of the matter is set out below.

"96 COUNCIL'S CONSTITUTION - ANNUAL REVIEW

Considered, a report of the Monitoring Officer to consider amendments to the Council's Constitution following annual review, for recommendation to Council (item 13 on the agenda filed with these minutes).

The Democratic Services Manager assisted with consideration of the report.

RESOLVED that it be recommended to Council that the changes to the Constitution set out in appendix 1 to the report of the Monitoring Officer be made, to be effective from 1st May 2020.

Reason

To ensure the *Constitution is kept up to date and fulfils its intended purposes.*”

Implementation Timetable including Future Decisions and Scrutiny

The approved changes to the Constitution will take effect on 6th May 2019 as set out in the recommendation. The Monitoring Officer will publish an updated version of the Constitution incorporating the approved changes.

A small number of changes to the delegation of Executive functions to officers were identified in the course of this year’s review. These were the subject of a separate report to the Leader, who has the authority to make changes to the delegation of Executive functions. A report setting out those changes appears elsewhere on this agenda.

Report Implications

The following implications have been identified for this report.

Financial Implications

There are no costs associated with making the recommended changes to the Constitution.

Risk Management

No specific risks have been identified in connection with this report.

Key Decision:	No
Background Papers:	Member Conduct Committee, 2 nd December 2019 (Item 6, minute 18 https://charnwood.moderngov.co.uk/ieListDocuments.aspx?CId=146&MId=360&Ver=4
Officers to Contact:	Adrian Ward Head of Strategic Support and Monitoring Officer 01509 634573 adrian.ward@charnwood.gov.uk Karen Widdowson Democratic Services Manager and Deputy Monitoring Officer 01509 634785 karen.widdowson@charnwood.gov.uk

CABINET – 12TH MARCH 2020**Report of the Monitoring Officer
Lead Member: Councillor James Poland****Part A****ITEM 13 ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION**Purpose of Report

To enable the Cabinet to consider and recommend to Council amendments to the Constitution following the annual review.

Recommendation

That it be recommended to Council that the changes to the Constitution set out in appendix 1 to this report be made, to be effective from 1st May 2020.

Reason

To ensure the Constitution is kept up to date and fulfils its intended purposes.

Policy Justification and Previous Decisions

Section 2.4 of the Constitution requires the Monitoring Officer to monitor and review the Constitution. These reviews are undertaken annually with the last such review being considered by the Cabinet on 14th March 2019 (Minute 103 refers) and Council on 25th March 2019 (Minute 91.2 refers).

The Member Conduct Committee reviewed the hearing appeals process for dealing with member conduct complaints and other elements of the Constitution relating to the Planning Code of Good Practice at its meeting on 2nd December 2019 (Minute 18 refers).

The issues identified by the Committee in respect of the hearing appeals process for dealing with member conduct complaints and Planning Code of Good Practice are described in Part B of this report.

Implementation Timetable including Future Decisions and Scrutiny

The proposed changes to the Constitution require Council approval and will be submitted to Council on 27th April 2020. Changes will come into effect from 1st May 2020.

A small number of potential changes to the Executive delegations to officers have been identified during this year's review. These will be the subject of a

separate report to the Leader, who has the authority to make changes to them. Any changes made will be reported to Council.

Report Implications

The following implications have been identified for this report.

Financial Implications

There are no costs associated with making the recommended changes to the Constitution.

Risk Management

No specific risks have been identified in connection with this report.

Key Decision: No

Background Papers: Member Conduct Committee, 2nd December 2019
(Minute No's 18 and 20 refer)
<https://charnwood.moderngov.co.uk/ieListDocuments.aspx?CId=146&MId=360&Ver=4>

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adrian.ward@charnwood.gov.uk

Karen Widdowson
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Monitoring Officer
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Part B

Background

1. In line with good practice, the Council reviews the Constitution annually. As part of the review consultations have taken place with officers and councillors both individually and through meetings with Group Leaders and the Chair of the Plans Committee, and of the Member Conduct Committee. The remainder of this report describes the recommended changes to the Constitution and the proposed amendments are set out in appendix 1 to the report.

Proposed changes to the Constitution

Planning Code of Good Practice

2. The Planning Code of Good Practice was reviewed by the Member Conduct Committee on 2nd December 2019 (Minute 18 refers). The Committee considered section 8.1, 8.2 and 8.3 relating to contact by applicants, developers or objectors.
3. After discussion members of the Committee considered that the wording in the Planning Code of Good Practice provided sufficient flexibility for councillors to use their discretion when in contact with applicants, developer objectors with regard to involving Planning Officers. It also distinguished between members who sat on the Plans Committee and all councillors.
4. Therefore, no change is recommended on this point.

Member Conduct - Hearing Appeals

5. The Hearing Appeals process was reviewed by the Member Conduct Committee on 2nd December 2019 (Minute 18 refers). The Committee considered the process for appeals against decisions of Member Conduct Panels when determining complaints that a councillor may have breached the Members' Code of Conduct of their authority.
6. The Committee resolved that the Hearing Appeals process be amended to allow appeals only if there has been a procedural breach or if new evidence has come to light. This change was considered necessary to ensure the best use of councillor/officer time and that the current arrangements could potentially allow for groundless or frivolous appeals to be made. It has been recommended that the decision maker be the Monitoring Officer or Deputy Monitoring Officer in consultation with the Independent Person.
7. Therefore, it is proposed that Chapter 18 of the Constitution relating to the right of appeal be strengthened and clarified as per the recommendations of the Member Conduct Committee.

Member Conduct Committee – Parish/Town Council representatives

8. The Committee comprises seven borough councillors and up to three members of parish/town councils in the Council's area who are also not borough councillors. The representatives are co-opted as non-voting members by the Council for a term of office of four years.
9. Parish/Town Clerks have asked that they be given the opportunity to be co-opted onto the Member Conduct Committee as they consider that they possess the necessary skills set and experience.
10. The intention of the Constitution is that elected or co-opted serving Parish councillors who are not Borough councillors sit on the Committee. Therefore, no change is recommended on this point.

Full Council – Standing to Speak

11. When a councillor speaks at full Council, councillors must stand (unless otherwise permitted by the Mayor) and address the Mayor. It has been observed that not all councillors are adhering to this requirement and a councillor has requested the Constitution be strengthened.
12. It is considered that the Constitution is sufficiently clear about this requirement and the Mayor who presides over Council meetings will draw this requirement to the attention of all councillors as part of the housekeeping address. Therefore, no change is recommended on this point.

Questions on Notice – Full Council

13. A councillor has requested that the time limit at full Council for supplementary questions and statements be extended. At present a councillor may not speak for longer than a total of two minutes in asking a supplementary question and/or making a statement relating to a question on notice.
14. Research has established various practices across other Council's with most having one or two minute time limits, and at some Council's there is an expectation to abide by the normal speaking rules. Several other Council's operate a fixed 30-minute allocation for all questions and do not permit supplementary statements at the meeting. Most other Council's also only permit supplementary questions, and do not allow statements.
15. Therefore, it is proposed that that Chapter 9 of the Constitution be amended to reduce the time limit from two minutes to one minute, and the provision for making a statement arising from a question on notice be removed.

Call-in Planning Applications

16. Chapter 12 of the Constitution sets out the procedures for ward councillors to Call-in planning applications where the application is in their ward, part of the application site is in their ward or the application site is immediately adjacent to or within 15 metres of the boundary of their ward. Those ward councillors can request that an application is Called-in to the Plans Committee which would otherwise have been determined by the Head of Planning and Regeneration under delegated authority.
17. Currently to be valid a Call-in request must be received in writing (which can include by email) giving a relevant planning reason or reasons no later than 5pm, **21 calendar days** from the date of the consultation being sent to the ward councillors or the expiration of the initial local consultation on an application, including site notification and/or newspaper publicity, whichever is later. Applications that are the subject of a valid request will be added to the agenda of the next reasonably available meeting of the Plans Committee for determination.
18. A minor change to this section of the Constitution has been requested to make provision for ward councillors to Call-in an application in after the 21 calendar days in exceptional circumstances with the agreement of the Chair of the Plans Committee, and the Head of Planning Services.
19. Therefore, it is proposed that Chapter 12 be amended as set out in the appendix.

Loughborough Area Committee

20. The role and responsibilities of the Loughborough Area Committee need to be added in to Chapter 5 of the Constitution.
21. Therefore, it proposed to include these in accordance with the original role and purpose of the Committee as agreed by full Council in January 2018 (Minute No. 65.3 2017/18 refers) which was to have two scheduled meetings per year (June and December) with a consultative role relating to budgetary and financial issues and matters of policy and strategic direction affecting the town of Loughborough.
22. It is also felt that clarification is required about how the Committee should agree any consultation responses it wishes to make. These should take the form of a collective response formally approved by the Committee as a whole (i.e. in a similar way to which parish and town councils make their consultation submissions), rather than various opinions expressed by individual Committee Members.
23. Therefore, it is proposed that Chapter 3 be amended as set out in the appendix.

Scrutiny Committee Procedures - Call-in

24. Chapter 11 of the Constitution sets out the arrangements for Scrutiny Committee procedures and in section 11.7 sets out that the following decisions can be Called-in:
- decisions of the Cabinet and committees of the Cabinet
 - decisions taken by single Cabinet members
 - key decisions taken by officers.
25. This wording does not make it clear that recommendations from Cabinet to Council cannot be Called-in as they are not decisions of the Cabinet. Likewise, it is not explicit that Cabinet decisions arising from Scrutiny Review Panels cannot be Called-in either.
26. Therefore, it is proposed that Chapter 11 be amended as set out in the appendix.

Financial Regulations

27. The S151 Officer has reviewed Chapter 16 relating to specific financial responsibilities and recommends various increases to thresholds such as virement, use of reserves, write off bad debts, disposal of assets to reflect inflationary and other price increases.
28. Therefore, it is proposed that Chapter 16 be amended as set out in the appendix.

Scheme of Delegation to Officers - Council Functions

29. The following changes that fall under the Council functions have been identified:

(a) Changes to the Establishment

Currently the Head of Paid Service can agree changes to the establishment, within budget and without major service or policy implications, affecting no more than five posts (irrespective of their post number) in any single case.

This has been further sub-delegated to Heads of Service subject to such decisions:

- relating solely to staff within the Head of Service's responsibility
 - being within the existing budget for the service
 - not resulting in the creation or deletion of posts, or potential redundancy situations
 - only affecting officers graded PO4 and below, and
 - only being taken after consultation with the Councils Human Resources service.
30. In practice this means that minor re-organisations with no operational disruption or interruption of services can sometimes require approval of

the Cabinet, which adds a layer of complexity and time delay to the process.

31. Therefore, it is proposed that Chapter 8.2 of the Constitution be amended to make it clear that only re-organisations of services which are likely to give rise to operational disruption or interruption of services or involving a change from direct to indirect provision or vice-versa, or other policy implications need approval of the Cabinet.

(b) Post Entry Training

32. Currently the Chief Executive, Strategic Directors and Heads of Service can approve post entry training of up to £2,500 per individual employee per financial year. This amount has not been reviewed for several years and it has been suggested it be increased to reflect the increased cost of training courses.

33. Therefore, it is proposed that Chapter 8 be amended so that this amount is increased to £5,000.

(c) Fixed Penalty Notices - hazards in private sector properties

34. Currently the Head of Regulatory Services and Head of Strategic and Private Sector can serve notices and authorise officers to issue fixed penalty notices, in pursuance of various statutory provisions. The provision in relation to hazards in private sector properties has been omitted from the Head of Strategic and Private Sector delegation and therefore it is proposed this provision be inserted.

Minor word and spelling changes

35. As part of the annual review various minor wording changes and spelling changes have been identified and these are set out in the Appendix.

PROPOSED CHANGES TO THE CONSTITUTION

KEY:

Deleted text shown as struck through

Added text shown in bold and underlined

Item 1 – Code of Conduct Hearing Appeals

Chapter 18

18.9 After the hearing and appeals

The Panel will announce its decision on the day. The Panel's decision and reasons will be recorded in the form of the minutes of its meeting having regard for any exempt information that it considered and communicated to the relevant parties by letter. The Panel will, wherever possible, issue its full written decision and reasons within 10 working days of the end of the hearing.

The written decision will be provided to the Member, the complainant, the Investigator and where the Member is a parish/town councillor, the Parish/Town Clerk. The written decision will, if a finding has been made that the Member had failed to comply with the Code of Conduct, provide information as to the Member's right to appeal against the finding

Where the Panel has determined that the Member failed to comply with the Code of Conduct, the Monitoring Officer will arrange for the publication of a notice of the Panel's findings and the Member's right to appeal in a local newspaper and on the Borough Council's website.

Where the Panel has determined that the Member did not fail to comply with the Code of Conduct, the Monitoring Officer will arrange for the publication of a notice of the Panel's findings in a local newspaper and on the Borough Council's website unless the Member requests that no notice is published.

If the Panel finds against the Member, the Member may ask for that decision to be reviewed by the Borough Council's Appeals and Review Committee. A request for a review must be made in writing, giving the reasons for the request, to the Monitoring Officer/**Deputy Monitoring Officer** within 10 working days of the date of the written notification of the Panel's decision.

On receipt of the review the Monitoring Officer/Deputy Monitoring Officer in consultation with the Independent Person will consider the validity of the appeal in terms of whether there has been a procedural breach or if new evidence has come to light.

The appeal will normally be heard within 20 working days of the receipt of the written request stating the wish for the finding to be reviewed. The appeal will be conducted following the procedure set out in section 8 but will consider only material relevant to the reasons for the review request set out by the Member.

18.12 The Right of Appeal

If the Panel finds against the Member, the Member may ask for that decision to be reviewed. A request for a review must be made in writing, giving the reasons for the request, to the Monitoring Officer within 10 working days of the date of the written notification of the Panel's decision.

The appeal will be heard by the Appeals and Reviews Committee **only after the Monitoring Officer/Deputy Monitoring Officer in consultation with the Independent Person has considered the validity of the appeal in terms of whether there has been a procedural breach or if new evidence has come to light.** The appeal will normally be heard within four weeks of the receipt of the written request stating the wish for the finding to be reviewed.

The appeal will be conducted following the procedure set out in section 18.11, but will consider only material relevant to the reasons for the review request set out by the Member

Item 2 – Full Council - Questions and statements by Councillors

Chapter 9

9.9. Questions and statements by Councillors

(a) Questions on notice

A Councillor can ask a question on notice to the Leader or the Chair of a committee about something the Council is responsible for or something that directly affects people in the Borough.

The full wording of these questions must be given to the Head of Strategic Support by noon on the sixth working day before the full Council meeting for it to be included on the agenda for that meeting.

The questions and answers to questions will be included in the minutes of the meeting and copies published on the working day prior to the meeting. At the meeting the question and answer will be taken as read from the published copies. The Leader may ask the relevant Cabinet Lead Member to reply.

A Councillor may give notice of more than one question for a Council meeting. However, if the questions asked by a Councillor are linked they must be asked together and will be responded to together. Linked questions are those which deal with the same general subject, decision or event irrespective of whether the Councillor gave notice of them at different times.

(b) Questions and statements without notice

A Councillor can ask a question to the Leader or the Chair of a committee without notice about any matter so long as the question is asked when the matter is being considered by the Council and must relate directly to the agenda item. In the case of a question to the Leader, the Leader may ask the relevant Cabinet Lead Member to reply. A Councillor raising a question can speak for no longer than a total of three minutes, and a Councillor responding may not speak for longer than a total of three minutes.

(c) Supplementary questions and statements

A Councillor can ask one supplementary question ~~and/or make a statement~~ **arising from a question on notice that they have submitted** provided that they give notice to the Head of Strategic Support that they wish to do so between the publishing of the answer to the question and noon on the date of the Council meeting. The notice can be made in writing, including by email, telephone or in person and can be made via a member of the Committee Services and Mayoralty team. A supplementary question ~~or statement~~ must be addressed to the same Councillor as the first question and must be relevant to and arise directly from the first question or the answer.

A Councillor may not speak for longer than a total of ~~two~~ **one** minutes in asking a supplementary question ~~and/or making a statement~~ relating to a question on notice.

(d) Responding to questions and statements

The questions and answers to questions on notice will be included in the minutes of the meeting and copies published prior to the meeting. At the meeting the question and answer will be taken as read from the published copies.

The answer to a supplementary question ~~and the response to the statement~~ may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

A Councillor may not speak for longer than a total of ~~two~~ **one** minutes in replying to a supplementary question ~~and/or responding to a statement~~ in relation to a question on notice.

Item 3 - Call-in Planning Applications

Chapter 12

12.12 Plans committee procedures

(c) Calling-in planning applications

After a planning application has been registered and made valid officers will write to ward councillors where the application is in their ward, part of the application site is in their ward or the application site is immediately adjacent to or within 15 metres of the boundary of their ward.

The right to call-in the application applies only to those ward councillors where the application site is wholly or partly within the boundary of their ward. Those ward councillors can request that an application is called-in to the Plans Committee which would otherwise have been determined by the Head of Planning and Regeneration under delegated authority.

To be valid a call-in request must be received in writing (which can include by email) giving a relevant planning reason or reasons no later than 5pm, 21 calendar days from the date of the consultation being sent to the ward councillors or the expiration of the initial local consultation on an application, including site notification and/or newspaper publicity, whichever is later.

In exceptional circumstances, a ward councillor can call-in an application after the 21 calendar days with the agreement of the Chair of the Plans committee and the Head of Planning & Regeneration.

Applications that are the subject of a valid request will be added to the agenda of the next reasonably available meeting of the Plans Committee for determination.

After an application has been called-in, unless a written request to withdraw it is submitted by the ward councillor, the application will be referred to the Plans Committee for determination.

A ward councillor can withdraw a call-in request at any time prior to the publication of the agenda for the meeting at which a called-in application is due to be considered. Withdrawals of call-in requests must be in writing (which can include e-mail).

In addition, if, following a call-in which has not been withdrawn, officers believe that the issues raised by the ward councillor in his/her call-in have been addressed, officers will submit the recommendation report, which is prepared for each application, to the ward councillor. The report, which will contain a summary of the main issues regarding the application, will enable ward councillors to consider whether they wish to maintain or withdraw their call-in of an application.

A further call-in period will be given to ward councillors if significant revised or additional plans or information are received on a planning application which necessitates a further period of local consultation. The relevant councillors will be informed in writing of any significant revised or additional plans or information and any further call-in period. The length of the further call-in period will be the same period as the re-consultation period on the revised or additional details.

Ward councillors who call-in a planning application are expected to attend the Plans Committee meeting at which it is considered. If a ward councillor who has called-in a planning application is unable to attend the meeting, he/she is able to, and should, identify another councillor to speak on his/her behalf. The nominee can exercise the same ward councillor speaking rights as the councillor calling-in the planning application could have done if he/she was present at the meeting.

The following planning applications are not subject to the Call-In Procedure:

- (i) applications for Certificates of Lawfulness
- (ii) applications which fall to be determined by Leicestershire County Council or a neighbouring authority
- (iii) discharge of Planning Condition(s)
- (iv) applications for works to protected trees/trees in a Conservation Area
- (v) prior approvals - applications for prior approval of works to be carried out under permitted development rights (including notification of householder extensions etc.)
- (vi) applications for non-material amendments and minor material amendments to planning permissions where no demonstrable harm would be caused to an interest of acknowledged importance
- (vii) screening and scoping applications for Environmental Impact Assessments.

Item 4 – Loughborough Area Committee

Chapter 3

3.6 (c) Loughborough Area Committee

The Council has established the Area Committee with the following advisory functions:

1. To carry out a consultative role in relation to budgetary and financial issues which either solely or predominantly affect the Loughborough town area.

2. To carry out a consultative role in relation to matters of policy and strategic direction which relate to or affect the Loughborough town area.

The Committee will have two scheduled meetings per year, one to allow for consultation during the budget setting process for the Loughborough special expenses, and one to consider an annual report regarding activities and issues affecting the Loughborough town area.

Further meetings may be called under the relevant provisions within the Constitution, but any business to be considered by the Committee must be in accordance with its consultative roles as set out above.

Any consultation responses made by the Committee should be collective submissions, arrived at and agreed in accordance with the relevant meeting procedures within the Constitution.

The Committee cannot commission or request reports from officers, other than as may be required to assist it with business being undertaken in its consultative roles.

Item 5 – Scrutiny Committee Procedures - Call-in

Chapter 11

11.7 Call-in

The following decisions can be called-in:

- decisions of the Cabinet and committees of the Cabinet
- decisions taken by single Cabinet members
- key decisions taken by officers.

The Call-In process does not apply to recommendations made by the Cabinet to the Council, or where a Cabinet decision relates to a recommendation by a Scrutiny Panel.

Item 6 – Financial Regulations

Chapter 16

(c) Virement

Virement is the switching of resources between approved budget headings and cost centres.

The Council's scheme of virement covers both revenue and capital expenditure and is administered by the Section 151 Officer in accordance with the Budget and Policy Framework Procedure Rules. The detailed virement rules are contained within the Financial Procedure Rules.

Budget Holders are responsible for agreeing in-year virements within delegated limits, in agreement with either the Head of Finance and Property Services, Section 151 Officer or Cabinet depending on the nature and value of the virement as set out in the Financial Procedure Rules.

Cabinet approval is required for:

- virement between the budgets of two or more Directorates where the amount is in excess of ~~£50,000~~ **£100,000**
- virement between individual projects within the capital programme where the amount is in excess of ~~£50,000~~. **£100,000**

Virements should only be made where such a virement leaves the originating budget with sufficient funds to meet its commitments.

(d) Use of Reserves

Except in the case of staffing decisions delegated to the Head of Paid Service which result in redundancy or salary protection costs, **or individual amounts below £50,000 which may be allocated at the discretion of the Head of Paid Service,** Cabinet approval is required for the use of the Reinvestment Reserve.

(e) Write Off of Bad Debts

All write-offs of individual debts over ~~£20,000~~ **£50,000** must be authorised by Cabinet. Authorisation levels for bad debts below ~~£20,000~~ **£50,000** are at officer level and are detailed in the Financial Procedure Rules.

(f) Disposal of Assets

Obsolete, non-repairable or unnecessary assets should be disposed of with a view to achieving the most economically advantageous outcome for the Council having regard to the transparency and cost effectiveness of the disposal method, the timeliness of disposal and the likely price achievable.

Where individual assets, (which are not land or buildings), valued over ~~£20,000~~ **£50,000** need to be disposed of and written off Cabinet approval must be sought in advance. Items which are valued at below ~~£20,000~~ **£50,000** can be approved at officer level. Details of officer approval levels are contained in the Financial Procedure Rules.

Where land and property (buildings) assets with a freehold value of over £100,000 or a leasehold value of over £50,000 need to be disposed of or written off (excluding Right to Buy applications) Cabinet approval to the terms of the disposal must be sought in advance. Items which are valued at below these amounts can be approved at officer level. Details of officer approval levels are contained in the Financial Procedure Rules.

Item 7 – Minor word and spelling changes

Chapter 1

1.1 Summary of citizens' rights

Citizens have the right to:

- look at the Forward ~~Plan~~ **Plan** which shows what important decisions will be taken and when (see 13) – this is available on the Council's website and at the main offices.
- request information under the **General Data Protection Regulations (GDPR)**, Freedom of Information Act, Environmental Information Regulations and Data Protection Act

1.2 Councillors

(a) Elections and terms of office

There are 52 Councillors, who represent 28 wards.

Full elections are held every fourth year, with elections due in ~~2015, 2019 and so on.~~

Councillors serve for four years. They become Councillors on the fourth day after being elected. Their terms of office end four years later, on the fourth day after the elections.

Chapter 3

3.7 Delegations to and from other local authorities

The Council is one of the authorities that has established and is represented on the Police and Crime Panel for the area of the Leicestershire ~~Constabulary.~~ **Police**

Item 8 – Delegation of Council functions

Chapter 8

Delegation to the Chief Executive, Strategic Directors and Heads of Service

- 2(vi) To approve post entry training of up to ~~£2,500~~ **£5,000** per individual employee per financial year;

Delegation to the Head of Paid Service

6. To agree changes to the establishment, within budget and without major **operational disruption or interruption of services or involving a change from direct to indirect provision or vice-versa or other policy implications.** ~~service or policy implications affecting no more than five posts (irrespective of their post number) in any single case.~~

Delegation to the Head of Strategic and Private Sector Housing

3. To serve notices and authorise officers to issue fixed penalty notices, in pursuance of any statutory provisions relating to:
- a. The maintenance repair and/or cleansing of defective, stopped up, leaking or overflowing drainage systems, water closets or soil pipes.
 - b. Filthy or verminous premises, articles or persons.
 - c. **Hazards in private rented properties**

COUNCIL – 7th SEPTEMBER 2020

9. MOTIONS ON NOTICE

9(A) LOCAL ELECTRICITY PRIVATE MEMBERS' BILL 2020

The following motion on notice has been submitted by the Labour Group in accordance with Full Council Procedure Rule 9.12:

“That Charnwood Borough Council

(i) acknowledges the efforts that this council has made to reduce greenhouse gas emissions and promote renewable energy;

(ii) further recognises

- that very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,
- that making these financial costs proportionate to the scale of a renewable electricity supplier's operation would enable and empower new local businesses, or councils, to be providers of locally generated renewable electricity directly to local customers, and
- that revenues received by new local renewable electricity providers could be used to help improve the local economy, local services and facilities and to reduce local greenhouse gas emissions;

(iii) accordingly, and because of the potential environmental and financial benefits that could arise for the Borough, resolves to support the Local Electricity Bill, supported by 198 MPs which, if made law, would establish a Right to Local Supply which would promote local renewable electricity supply companies and co-operatives by making the setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply operation; and

(iv) further resolves to

- inform the local media of this decision,
- write to local MPs, asking them to support the Bill, and
- write to the organisers of the campaign for the Bill, Power for People, (at 8 Delancey Passage, Camden, London NW1 7NN or info@powerforpeople.org.uk) expressing its support”.

COUNCIL – 7TH SEPTEMBER 2020

Report of the Chief Executive

ITEM 12 URGENT EXECUTIVE DECISIONS EXEMPTED FROM CALL-IN:

- i. MEMBER GRANTS SCHEME
- ii. ACQUISITION OF PROPERTIES
- iii. CHARNWOOD DISCRETIONARY BUSINESS GRANTS FUNDING
- iv. FREE PARKING SUPPORT DURING PANDEMIC

Purpose of Report

To note decisions which were exempted from call-in in accordance with Scrutiny Committee Procedure 11.9.

Action Requested

In accordance with Full Council Procedure 9.11(d) questions may be asked of the Leader in relation to the urgent decisions that were taken. The Leader may ask the relevant Lead Member to respond.

Policy Justification and Previous Decisions

The call-in procedure provides for a period of five clear working days during which councillors can ask for decisions taken by the Cabinet and individual Cabinet members, and key decisions taken by officers to be reviewed. With the agreement of the Chair of the Scrutiny Commission or in his/her absence the Mayor or Deputy Mayor) a decision can be exempted from call-in if the decision to be taken is both urgent and reasonable and the delay caused by the call-in process would not be in the interests of the Council or the public. Scrutiny Committee Procedure 11.9 requires that decisions that are exempted from call-in are reported to Council.

(i) Member Grants Scheme

On 2nd October 2018, Councillor Morgan, as Leader of the Council, took a decision to allocate Executive functions relating to the determination of applications under the Member Grants Scheme where the ward councillor concerned had a conflict of interest to the Cabinet Lead Member for Communities, Safety and Wellbeing. This was later amended on 6th July 2020 to reflect changes to the membership of the Cabinet and allocation of responsibilities to members of the Cabinet.

In exercising that Executive function, the Cabinet Lead Member for Communities, Safety and Wellbeing/Community Support and Equalities took decisions to award the following grants: -

- That £500 be awarded to Thorpe Acre community Association for Thorpe Acre Trail

- That £1,630.50 be awarded to Birstall business Co-operative (Shop Local Birstall) for Street Planters

The Chair of the Scrutiny Commission was consulted and agreed that the decisions be exempted from call-in, given their nature and low financial value.

The reports considered can be found in the Annex to this report.

(ii) Acquisition of properties

On 19th October 2017 the Leader delegated authority to the Head of Strategic and Private Sector Housing to acquire additional Housing Revenue Account (HRA) properties for rental. It is likely that any properties acquired will exceed £150,000 in value, and therefore each purchase will be a key decision. It would not be practical for the usual call-in arrangements for key decisions to be applied as any delay caused could result in the purchase falling through, and therefore the then Mayor, in the absence of the Chair of the Scrutiny Management Board, gave approval for decisions taken under this delegated authority to be exempted from call-in under Scrutiny Procedure Rule 11.9. The new Chair of the Scrutiny Commission has subsequently confirmed that she is content with these arrangements.

The purchase of two properties is being reported to this meeting of Council:

- 18 Milton Street, Loughborough (4-bedroom semi-detached house) for £180,000
- 17 Bambridge Road, Loughborough (2-bedroom house) for £161,000

The decisions of the Head of Strategic and Private Sector Housing to exchange contracts on the purchases can be found in the Annex to this report.

(iii) Charnwood Discretionary Business Grant Fund

The Strategic Director of Corporate Services made a decision on 3rd June 2020 in respect of the Discretionary Business Grants Fund policy.

The Chair of the Scrutiny Commission was consulted and agreed that the decision be exempted from call-in, given the timings of the government's announcement of the Fund and the strong desire to get this scheme up and running as soon as possible.

The report considered can be found in the Annex to this report.

(iv) Free Parking to support businesses during COVID-19

The Chief Executive made a decision on 18th June 2020 to continue to offer free parking in the town centre car parks on a short-term basis to support local businesses and the economy as part of the COVID 19 recovery process.

The Chair of the Scrutiny Commission was consulted and agreed that the decision be exempted from call-in, as a delay caused by call-in would not be advantageous to local businesses re-opening following lockdown.

The report considered can be found in the Annex to this report.

Implementation Timetable including Future Decisions

As detailed within the Annex to this report.

Report Implications

As detailed within the Annex to this report.

Background Papers: None

Officer to Contact: Karen Widdowson
Democratic Services Manager
(01509) 634785
karen.widdowson@charnwood.gov.uk

Annex

Reports considered by the Cabinet Lead Member and relevant officers.

EXECUTIVE DECISION RECORD

CABINET LEAD MEMBER: COUNCILLOR TAYLOR

ITEM MEMBER GRANTS SCHEMEThe Decision

That the Lead Member for Communities, Safety and Wellbeing approves the following award under the Member Grants Scheme where the Ward Councillor has declared a personal interest that might lead to bias:

That £500 be awarded to Thorpe Acre Community Association for Thorpe Acre Trail.

Reason

To approve an award under the Member Grants Scheme where the relevant Ward Councillor has declared a personal interest that might lead to bias in connection to the organisation receiving the funding.

Other Options Considered and Rejected

None

Conflicts of Interest Declared by the Decision-Maker

None

Dispensations

None

Reason(s) for the matter being dealt with if urgent

The Chair of the Scrutiny Commission has been consulted and has agreed that these decisions be exempted from call-in, given their nature and low financial value.

Approved: D. Taylor.....

Date: 29/5/2020.....

Cabinet Lead Member for Communities, Safety and Wellbeing

REPORT

Purpose of Report

To bring forward a recommendation for an award under the Member Grants Scheme where the Ward Councillor has declared a personal interest that might lead to bias.

Background

Councillor Roy Campsall is a Ward Councillor representing Loughborough Garendon, and wishes to support the award of a grant to Thorpe Acre Community Association (from his 2019/20 allocation). However, he has declared that he sits on the Board of the organisation. Therefore, the Cabinet Lead Member is being requested to act as the final decision maker in respect of the award of the grant.

Recommendation

That £500 be awarded to Thorpe Acre Community Association for Thorpe Acre Trail.

Reason

To approve an award under the Member Grants Scheme where the relevant Ward Councillor has declared a personal interest that might lead to bias in connection to the organisation receiving the funding.

Policy Justification and Previous Decisions

The Member Grants Scheme was approved by Cabinet at its meeting on 12th April 2018 (minute reference 116).

Under the scheme each Councillor is allocated £1,000 to fund local community projects within their ward.

Situations can arise where Ward Councillors are considering awarding grants under the scheme to organisations they have a connection to, which under the provisions of the Member Code of Conduct may result in them having a 'personal interest which might lead to bias'.

The Member Conduct Committee considered this matter at its meeting on 17th September 2018 and was of the view that in cases where a Ward Councillor has a conflict of interest that the grant application should be referred to the Cabinet for decision.

The Leader of the Council on 2nd October 2018 allocated this Executive function to the Lead Member for Communities, Safety and Wellbeing. This is reflected in Section 4.5 of Chapter 4 of the Council's Constitution.

Section 10.9 of Chapter 10 of the Council's Constitution requires that, where executive decisions are the responsibility of an individual member of the Cabinet, details of the decision (including any report) be published after the decision has been taken, as required by law.

Implementation Timetable including Future Decisions and Scrutiny

The Chair of the Scrutiny Commission has been consulted and has agreed that these decisions be exempted from call-in, given their nature and low financial value.

Report Implications

The following implications have been identified for this report.

Financial Implications

The grants can be funded from within existing identified budgets.

Risk Management

There are no specific risks associated with this decision.

Comments of Monitoring Officer

The Lead Member is being requested to make the final decision on the award of the grant in question because the Ward Councillor has declared a personal interest that might lead to bias, and therefore the advice of the Monitoring Officer is that they should not be the final decision makers.

Key Decision:	No
Background Papers:	None
Officer to contact:	Karen Widdowson Democratic Services Manager (01509) 634785 karen.widdowson@charnwood.gov.uk

EXECUTIVE DECISION RECORD

CABINET LEAD MEMBER: COUNCILLOR HARPER-DAVIES

ITEM MEMBER GRANTS SCHEME

The Decision

That the Lead Member for Community Support and Equalities approves the following award under the Member Grants Scheme where the Ward Councillors have declared personal interests that might lead to bias:

That £1,630.50 be awarded to Birstall Business Co-operative (Shop Local Birstall) for Street Planters.

Reason

To approve an award under the Member Grants Scheme where the relevant Ward Councillors have declared personal interests that might lead to bias in connection to the organisation receiving the funding.

Other Options Considered and Rejected

None

Conflicts of Interest Declared by the Decision-Maker

None

Dispensations

None

Reason(s) for the matter being dealt with if urgent

The Chair of the Scrutiny Commission has been consulted and has agreed that these decisions be exempted from call-in, given their nature and low financial value.

Approved: Le Harper-Davies

Date: 21.17.20

Cabinet Lead Member for Community Support and Equalities

REPORT

Purpose of Report

To bring forward a recommendation for an award under the Member Grants Scheme where the Ward Councillors have declared personal interests that might lead to bias.

Background

Councillor Iain Bentley is a Ward Councillor representing Birstall Watermead and Councillor Roy Rollings is a Ward Councillor representing Birstall Wanlip. They wish to support the award of a grant (from their 2019/20 allocations) to Birstall Business Co-operative (Shop Local Birstall) for Street Planters. Councillor Bentley wishes to allocate £630.50 and Councillor Rollings wishes to allocate £1,000. However, the applicant is Birstall Wanlip Ward Councillor Shona Rattray, as Chair of that organisation. Therefore, the Cabinet Lead Member is being requested to act as the final decision maker in respect of the award of the grant.

Recommendation

That £1,630.50 be awarded to Birstall Business Co-operative (Shop Local Birstall) for Street Planters.

Reason

To approve an award under the Member Grants Scheme where the relevant Ward Councillors have declared personal interests that might lead to bias in connection to the organisation receiving the funding.

Policy Justification and Previous Decisions

The Member Grants Scheme was approved by Cabinet at its meeting on 12th April 2018 (minute reference 116).

Under the scheme each Councillor is allocated £1,000 to fund local community projects within their ward.

Situations can arise where Ward Councillors are considering awarding grants under the scheme to organisations they have a connection to, which under the provisions of the Member Code of Conduct may result in them having a 'personal interest which might lead to bias'.

The Member Conduct Committee considered this matter at its meeting on 17th September 2018 and was of the view that in cases where a Ward Councillor has a conflict of interest that the grant application should be referred to the Cabinet for decision.

The Leader of the Council on 2nd October 2018 allocated this Executive function to the Lead Member for Communities, Safety and Wellbeing. This is reflected in Section 4.5 of Chapter 4 of the Council's Constitution. On 6th July 2020, the Leader re-allocated the function to the Lead Member for Community Support and Equalities.

Section 10.9 of Chapter 10 of the Council's Constitution requires that, where executive decisions are the responsibility of an individual member of the Cabinet, details of the decision (including any report) be published after the decision has been taken, as required by law.

Implementation Timetable including Future Decisions and Scrutiny

The Chair of the Scrutiny Commission has been consulted and has agreed that these decisions be exempted from call-in, given their nature and low financial value.

Report Implications

The following implications have been identified for this report.

Financial Implications

The grants can be funded from within existing identified budgets.

Risk Management

There are no specific risks associated with this decision.

Comments of Monitoring Officer

The Lead Member is being requested to make the final decision on the award of the grant in question because the Ward Councillors have declared personal interests that might lead to bias, and therefore the advice of the Monitoring Officer is that they should not be the final decision makers.

Key Decision:	No
Background Papers:	None
Officer to contact:	Karen Widdowson Democratic Services Manager (01509) 634785 karen.widdowson@charnwood.gov.uk

Acquisition of Properties

18 Milton Street Loughborough

Decision under Delegated Powers

Officer Requesting Decision

Beverly Wagstaffe - Housing Strategy and Support Manager

Officer Making the Decision

Alison Simmons - Head of Strategic and Private Sector Housing

Recommendation

To approve the purchase of 18 Milton Street Loughborough and for the Council to formerly Exchange Contracts and Complete the purchase.

Reason

To utilise approved funding for the purchase of additional HRA rental properties.

Authority for Decision

Section 8.3, of the Constitution gives delegated authority to the Head of Strategic and Private Sector Housing to acquire additional properties for rent via the HRA where approved funding exists within the Capital Plan for the relevant financial year, and where any property acquired is subject to a Condition Survey, an Independent Valuation, Standard Legal checks, and meets identified housing needs (item 22 on page 8-29).

Decision and Date

Signed:

Date:


15th June 2020

Head of Strategic and Private Sector Housing

Background

The following property has now been identified to purchase:

- 18 Milton Street, Loughborough – 4 bedroom house

There is an identified need for this size of property.

The seller of the property has accepted an offer of £180,000.

A Condition Survey, Valuation and Legal checks have all been satisfactorily completed.

Comments from HR

Not applicable

Financial Implications

The cost of acquiring this property is £180,000 with associated fees estimated at £2,500 and stamp duty of £6,500 (total cost of £189,000).

On 13th February 2020, Cabinet approved a budget of £1,946,000 for 2020-2021 to support delivery of the Housing Acquisition Policy in acquiring additional HRA properties for rent. A further £501,200 was carried forward to 2020-2021 resulting in a total budget £2,447,200 for 2020-2021.

For 2020-2021, the Council has commitments £742,000 to acquire 4 properties including associated fees leaving a balance of £1,705,200 available for the remainder of the current financial year.

There is sufficient budget to cover the cost of acquiring 18 Milton Street, Loughborough.

Risk Management

No risks identified

Key Decision: Yes, but exempted from call-in. See agenda item 14; Full Council meeting dated the 6th November 2017.

Background Papers: Housing Acquisition Policy approved by Cabinet on the 10th May 2018; reviewed and updated June 2019, DD084

Acquisition of Properties
17 Bainbridge Road Loughborough
Decision under Delegated Powers

Officer Requesting Decision

Beverly Wagstaffe - Housing Strategy and Support Manager

Officer Making the Decision

Alison Simmons - Head of Strategic and Private Sector Housing

Recommendation

To approve the purchase of 17 Bainbridge Road Loughborough and for the Council to formerly Exchange Contracts and Complete the purchase.

Reason

To utilise approved funding for the purchase of additional HRA rental properties.

Authority for Decision

Section 8.3, of the Constitution gives delegated authority to the Head of Strategic and Private Sector Housing to acquire additional properties for rent via the HRA where approved funding exists within the Capital Plan for the relevant financial year, and where any property acquired is subject to a Condition Survey, an Independent Valuation, Standard Legal checks, and meets identified housing needs (item 22 on page 8-29).

Decision and Date

Signed:



Date: 29th July 2020

Head of Strategic and Private Sector Housing

Background

The following property has now been identified to purchase:

- 17 Bainbridge Road, Loughborough – 2 bedroom house

There is an identified need for this size of property.

The seller of the property has accepted an offer of £161,000.

A Condition Survey, Valuation and Legal checks have all been satisfactorily completed.

Comments from HR

Not applicable

Financial Implications

The cost of acquiring this property is £161,000 with associated fees estimated at £2,500 and stamp duty of £5,500 (total cost of £169,000).

On 13th February 2020, Cabinet approved a budget of £1,946,000 for 2020-2021 to support delivery of the Housing Acquisition Policy in acquiring additional HRA properties for rent. A further £501,200 was carried forward to 2020-2021 resulting in a total budget £2,447,200 for 2020-2021.

To date the Council has purchased 1 other property during 2020-2021 for the sum of £203,032 including associated fees with a further £168,411 committed with the purchase of this property.

The total spent to date and including the funds committed equal £371,443, leaving a balance of £2,075,757 available for 2020-2021.

There is sufficient budget to cover the cost of acquiring 17 Bainbridge Road, Loughborough.

Risk Management

No risks identified

Key Decision:

Yes, but exempted from call-in. See agenda item 14; Full Council meeting dated the 6th November 2017.

Background Papers:

Housing Acquisition Policy approved by Cabinet on the 10th May 2018; reviewed and updated June 2019, DD084

Decision under Delegated Powers

Officer Making the Decision

Strategic Director of Corporate Services

Recommendation

That the policy for the operation of the Charnwood Discretionary Grant Fund be approved as set out at Appendix A

Reason

To take action in relation to a matter which would otherwise have been submitted to Cabinet.

Authority for Decision

Delegation of Executive functions - (Section 8.3 of the Constitution states that the Chief Executive, Strategic Directors and Heads of Service can take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Leader (or, in the Leader's absence, the Deputy Leaders);
- (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
- (iii) a report on the action taken being made to the next meeting of the Cabinet.

Decision and Date



3 June 2020

Background

In response to the Coronavirus, on 11 March 2020 the Government announced support for small businesses, and businesses in the retail, hospitality and leisure sectors, delivered through the Small Business Grant Fund and the Retail, Leisure and Hospitality Grant Fund. The Council expects to be able to support around 2,850 rate-paying businesses, charities and other organisations in the Borough from these funds. These original schemes remain open for any eligible ratepayers that have not yet claimed.

On 1 May 2020, the Government announced the **Local Authority Discretionary Grants Fund (DGF)**, and subsequently published guidance for local authorities. Subsequent iterations of the guidance plus a set of 'FAQ's' were issued in week commencing 24 May 2020.

The Council's policy in respect of the Charnwood DGF is set out at Appendix A, and approved by dint of this decision.

Financial Implications

The cost of the DGF grants are fully funded by government; the Council has been allocated a fixed amount of £1.6m.

The government note that the Council will receive new burdens funding to cover the costs of administering the fund; however, in general, DGF administration will be covered out of existing budgets.

Consultation with Leader and Deputy Leader

Following an informal briefing, a fair draft of this policy was used to consult with the Leader and Deputy Leader who both confirmed that this could be used as the basis for the final policy. (There are no material differences between the consultation draft and final version as set out at Appendix A.)

Consultation with Chief Executive and relevant Strategic Directors

Consultation has been effectively concluded via the Council's COVID-19 organisational response to the pandemic. The Chief Executive and all Directors have concluded that the recommendations of this report are both necessary and urgent.

Risk Management

There are unavoidable inherent risks within the DGF around the prioritisation of different business sectors and the rationing of grant payments (hence it is inevitable that there will be disappointed applicants) but there are no specific risks associated with this decision.

Key Decision: Yes

Date included on Forward Plan	26 May 2020
Background Papers:	None
Appendix A	Charnwood DGF policy

CHARNWOOD BOROUGH COUNCIL
DISCRETIONARY BUSINESS GRANTS FUND POLICY

NOTE: APPLICATIONS MUST BE RECEIVED BY 0800 MONDAY 22 JUNE 2020

1. Background to business grants

In response to the Coronavirus, on 11 March 2020 the Government announced support for small businesses, and businesses in the retail, hospitality and leisure sectors, delivered through the Small Business Grant Fund and the Retail, Leisure and Hospitality Grant Fund. The Council expects to be able to support around 2,850 rate-paying businesses, charities and other organisations in the Borough from these funds. These original schemes remain open for any eligible ratepayers that have not yet claimed.

On 1 May 2020, the Government announced the **Local Authority Discretionary Grants Fund**, and subsequently published guidance for local authorities. The ensuing paragraphs sets out the local policy relating to this grants fund in respect of Charnwood Borough Council.

2. The Local Authority Discretionary Grants Fund

On 1 May 2020, the Government announced the Local Authority Discretionary Grants Fund as set out below.

<https://www.gov.uk/government/news/top-up-to-local-business-grant-funds-scheme>

On 13 May 2020, the Government published the first version of the guidance for local authorities. This confirmed that the additional fund is aimed at small businesses and charities who were not eligible for the Small Business Grant Fund or the Retail, Leisure and Hospitality Fund. The extant version of the government guidance can be accessed using the following link.

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-business-support-grant-funding>

The fund for Charnwood is being managed by Charnwood Borough Council (the Council), which is responsible for delivering grants to eligible businesses and charities. The Council must follow the guidance set by the Government. The Council has authority to make these payments under Section 1 of the Localism Act 2011.

The Government intends that this grant scheme widens access to support to businesses who are struggling to survive due to the Corona virus shutdown but are unable to access other grant funding. Local authorities are asked to make payments as quickly as possible to support struggling businesses. The Council anticipates that payments will be made in the latter part of June. Potential applicants are asked to note that:

- The Government and the Council encourages businesses to take advantage of other Government support schemes where applicable. Grants under this scheme will be subject to tax in line with the applicant's tax arrangements. For businesses, the Government advises this is only where there is an overall profit once this award is included.
- Grants awarded under this discretionary scheme will not generally affect the Council's business ratings list or any rates charges payable by the recipient.
- Notwithstanding this, any applicant who should be in fact be added to the rates list will be, which may result in a rates bill. This may also result in a grant being claimable from the Small Business Grant Fund or the Retail, Leisure and Hospitality Grant Fund, rather than this discretionary fund. Such grants are of fixed value of £10,000 or £25,000 and are likely to be higher than a discretionary grant.

3. Total funding available

The Government has set each council's funding allocation as 5% of the expected spending on the original Small Business Grant Fund and the Retail, Leisure and Hospitality Grant Fund funding envelope. The Council's allocation is £1.65 million and for the purposes of administering the Discretionary Grants Fund ('DGF') it is assumed that this is a fixed sum.

The limits to the funding available for the DGF require local authorities to prioritise which types of businesses will receive funding which the Government states will be at the local authority's discretion.

4. Who may benefit from the Charnwood Borough Council DGF?

As set out by the Government discretionary grants are primarily and predominantly aimed at:

- Small and micro businesses, as defined in Section 33 Part 2 of the Small Business, Enterprise and Employment Act 2015 and the Companies Act 2006. (*see definitions table at the end of the section*)
- Businesses with relatively high ongoing fixed property-related costs
- Businesses which can demonstrate that they have suffered a significant fall in income due to the COVID-19 crisis
- Businesses which occupy property, or part of a property, with a rateable value or annual rent or annual mortgage payments below £51,000.

In the Charnwood local scheme consideration will also be given to applications in exceptional circumstances where the rateable value is over

£51,000. Applications will therefore be accepted for evaluation where the rateable value or annual rent is up to £100,000.

4.1 National priorities

The Council will prioritise the following types of businesses for grants, as requested nationally by the Government:

- **Small businesses in shared offices or other flexible workspaces.** Examples could include units in industrial parks, science parks and incubators *which do not have their own individual business rates assessment and rates bill*. However, businesses operated from residential property (with the exception of Bed & Breakfast establishments as below) will not be eligible for a grant.
- **Regular market traders with fixed building costs**, such as rent, *who do not have their own business rates assessment*. Generally, this is considered to mean traders with fixed units rather than those who rent stalls by the day, as is the case for markets in Charnwood; however, the Council wishes to recognise its regular traders and allow them to participate in the DGF.
- **Bed & Breakfast establishments which pay Council Tax** instead of business rates (rated premises being eligible under the Small Business Grant Fund and the Retail, Leisure and Hospitality Grant Fund). The Council does not wish to prioritise rooms and premises available through Airbnb and similar channels, and such businesses will not be eligible for a grant under the Council's DGF.
- **Charity properties in receipt of charitable business rates relief** which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief. Essentially, this is for charitable premises with a rateable value of £15,000 or below, which were not eligible for the Retail, Leisure and Hospitality Grant Fund. The Council does not wish to prioritise schools, colleges or similar educational establishments and these will not be eligible for a grant under the Council's DGF (although charities catering for pre-school children *will* be eligible).

4.2 Local additional priorities

Having addressed the national priorities the Council wishes to use any residual funding to support businesses that:

- Maintain and support employment in Charnwood
- Make a direct contribution to the communities of Charnwood through the provision of health, welfare or community support services
- Have relatively high on-going fixed property costs

- Can demonstrate that they have suffered a significant fall in income due to the COVID-19 crisis
- Independent locally owned businesses with a longstanding commitment to Charnwood

Definitions – small and micro businesses

To be a **small business**, under the Companies Act 2006, a business must satisfy two or more of the following requirements in a year:

- Turnover: Not more than £10.2 million
- Balance sheet total: Not more than £5.1 million
- Number of employees: a headcount of staff of less than 50

To be a **micro business**, under the Companies Act 2006, a business must satisfy two or more of the following requirements:

- Turnover: Not more than £632,000
- Balance sheet total: Not more than £316,000
- Number of employees: a headcount of staff of not more than 10

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-business-support-grant-funding>

5. EXCLUSIONS: Who CANNOT benefit from the discretionary scheme?

This grant funding is for businesses that are **not eligible** for other support schemes.

Such grant / support schemes as prescribed by the Government include but are not limited to:

- Small Business Grant Fund
- Retail, Hospitality and Leisure Grant

Both of these are still open for claims to the Council from eligible ratepayers.

Also:

- The Fisheries Response Fund
- Domestic Seafood Supply Scheme
- The Zoos Support Fund
- The Dairy Hardship Fund

All of the above four are administered nationally and are not expected to have significant impact in Charnwood.

The Government has also prescribed that:

- Businesses that were not trading on 11 March 2020 are not eligible for this scheme.
- Companies in administration, are insolvent or where a striking-off notice has been made are not eligible for funding.
- For the avoidance of doubt, businesses who have applied for the Coronavirus Job Retention Scheme may apply for the Council's DGF.
- Similarly, recipients of the Self Employed Income Support Scheme may also apply for the Council's DGF

6. Application process and timescale

The Government recognises that local authorities will need to run some form of application process as the potential beneficiaries may not be known directly by the local authorities.

Summarising the previous sections, applications are invited from businesses and charitable organisations, not previously in receipt of a Small Business Grant, or a Retail, Hospitality and Leisure Grant that meet the following general criteria:

Size of business

- Businesses that fall within the definitions of a small or micro business, as set out in Companies Act 2006
- Charities that would also fall within the definitions of a small or micro business, as set out in Companies Act 2006

Property occupation

- Businesses that occupy property that has a rateable value, or annual rental, of a maximum value of £100,000 (although the Council will make awards only in exceptional circumstances for those businesses which occupy a property with a rateable value or annual rental of above £51,000).
- Charities that occupy property that has a rateable value, or annual rental, of a maximum value of £51,000.

Or

- Regular traders on Charnwood markets who had an account with the Council on 11 March 2020 (who will not have to demonstrate any property occupation)

The Council invites applications via its website.

Any applicant who is unable to apply via the website should contact the customer services team for advice.

Applications can be made online at any time up to 0800 on Monday 22 June 2020. **Potential applicants should assume that this window will not be extended**, although the Council reserves the right to do so.

The Council's website will set out the information required from applicants, which will be the minimum reasonably required to establish eligibility and enable a fair and equitable assessment of grant entitlement. Applicants will be asked to evidence or demonstrate the following:

- Compliance with the scheme eligibility requirements
- Ongoing fixed property-related costs
- Identification of the business and the person making the application
- Evidence of trading at 11 March 2020
- Evidence that the bank account into which any grant will be paid properly relates to the business, charity, etc.

Depending on the status of the applicant applicants may also be asked to demonstrate:

- A significant fall in income due to the COVID-19 crisis
- Number of jobs directly supported by the business or charity
- Any claimed contribution to the communities of Charnwood through the provision of health, welfare or community support services

The Council will individually assess and validate applications as they are received and may request further information and validation. The pre-payment checks will include confirming eligibility and that by accepting payments the would-be recipients confirm they are in compliance with State Aid rules. The Council's website will require applicants to confirm acceptance of various compliance statements.

The Council will undertake written post-payment assurance around compliance, in particular, State Aid.

Once the application window has closed, the Council will conclude the assessment process, determine the successful applicants and the level of funding to be awarded. Payments will start as soon as possible. Further detail is given in section 7.

Appealing against grant award decisions

There will be no automatic right of appeal against a decision not to award a grant, or against the value of any grant. However, the Council may at its discretion reconsider any refusal or grant value if there is clear evidence that a significantly wrong decision may have been made.

7. Allocation of Charnwood Borough Council DGF

The Government's DGF guidance note allows the Council to award grants of £25,000, £10,000 or 'up to £10,000'. However, as the funding available to the Council is fixed and the demand is unknown, the value of grants cannot be determined until the application window has closed and all applications have been assessed.

As a guide, the Council intends that the available funding of £1.65 million will be distributed as follows:

CATEGORY	ALLOCATION
Small businesses in shared offices or other flexible workspaces	Maximum £500,000
Regular market traders	Maximum £20,000
Bed & Breakfast establishments which pay Council Tax	Maximum £50,000
Charity properties in receipt of charitable business rates relief	Maximum £250,000
Contingency (5%)	£80,000
Local Priorities	Residual Balance

Within each of the above categories the Council envisages awarding grants as follows:

Small businesses in shared offices or other flexible workspaces

Qualifying businesses demonstrating annual rental costs of £15,000 or below will be awarded a grant of £10,000, in line with small businesses qualifying for a grant from the Small Business Grant fund.

Please note that the definition of shared offices excludes businesses which trade from personal residences for the purposes of the Council's DGF.

Where an award of £10,000 to each qualifying business would result in the category allocation of £500,000 being exceeded the actual grant awarded to qualifying businesses will be restricted on a pro rata basis.

For businesses where the annual rental cost exceeds £15,000, but is below £100,000 their application will be considered alongside other businesses within the Local Priority Category.

Regular market traders

Regular market traders – defined as those who held a credit account with us at 11 March 2020 – will be awarded a grant equivalent to two months average monthly stall rentals, using the period 1 January 2020 to 31 March 2020 as the baseline for this calculation.

Amounts owing by traders at 30 April 2020 against invoices issued up to 31 March 2020 will be deducted from the grant payment.

Where the award to each qualifying trader would result in the category allocation of £20,000 being exceeded the actual grant awarded to qualifying traders will be restricted on a pro rata basis.

Bed & Breakfast establishments which pay Council Tax

Qualifying Bed & Breakfast establishments which pay Council Tax (excluding Airbnb and similar) will be awarded grants as follows based on their most recent full year of trading, as set out in their most recent financial statements or income tax return, as follows:

- | | |
|---|---------------|
| • Turnover above £10,000 but below £50,000 | award £2,500 |
| • Turnover above £50,000 but below £100,000 | award £5,000 |
| • Turnover above £100,000 | award £10,000 |

Where the award to each qualifying business would result in the category allocation of £50,000 being exceeded, the actual grant awarded to qualifying businesses will be restricted on a pro rata basis.

Charity properties in receipt of charitable business rates relief

Qualifying charities will receive a standard award of £5,000.

Certain charities may be eligible for an enhanced award of up to £10,000 if they can demonstrate that they have a significant local dimension (ie. they are predominantly locally based) and contribute to the communities of Charnwood through the provision of health, welfare or community support services.

Awards will be restricted to one per individual charity.

Where the award to each qualifying charity would result in the category allocation of £250,000 being exceeded, the actual grant awarded to qualifying charities will be restricted on a pro rata basis.

Local priorities

As described in Section 4, above, any residual grant funding will be awarded to qualifying businesses demonstrating some or all of the characteristics listed below.

- Maintain and support employment in Charnwood
- Make a direct contribution to the communities of Charnwood through the provision of health, welfare or community support services
- Have relatively high on-going fixed property costs
- Can demonstrate that they have suffered a significant fall in income due to the COVID-19 crisis
- Independent locally owned businesses with a commitment to Charnwood

In assessing applications the Council will also take into account the ability of businesses to introduce home working to mitigate the impact of COVID-19; generally the Council considers that professional service or clerically based businesses would be able to operate near normally by the introduction of home working.

The Council will award grants based on the number of qualifying businesses applying, the extent to which each meets the above criteria and the total of residual funding available to make the allocation.

Contingency funding

The Council will review the use of the contingency as more experience of the discretionary scheme is gained.

It should be noted that the Council reserves the right to vary allocations in the light of the results of the application process and generally exercise discretion in the award of grants.

8. Managing the risk of fraud

The Council and the Government will not accept deliberate manipulation and fraud. Any business or person caught falsifying their records to gain a grant award will face prosecution and any funding issued will be subject to clawback, as may any grants paid in error.

The Government's grants management and counter fraud functions will provide local authorities with access to 'Spotlight', a digital assurance tool. This tool will also assist the Council with pre and post payments assurance, including identification of high-risk payments. There will also be joint working across councils and government departments in preventing fraud.

9. Policy review

This policy has been written in line with Government guidance. It will be subject to dynamic review as circumstances dictate and in line with future clarifications and changes that may be announced by the Government.

Strategic Director of Corporate Services

Charnwood Borough Council

2 June 2020

Decision under Delegated Powers

To continue to offer free parking in the town centre car parks on a short-term basis

Officers Requesting Decision

Alan Twells – Head of Regulatory Services

Officer Making Decision

Chief Executive – Rob Mitchell

Recommendation

1. That all Council Town centre car parks remain free to support local businesses and the economy as part of the COVID 19 recovery process.
2. To review town centre car park charges after mid-June 2020 and monthly thereafter.

The financial implications to the Council's budget from the loss of income will be monitored and reviewed on a regular basis by the Senior Leadership Team (SLT).

Reason

The recommendation is for free parking to be continued during the current COVID 19 restrictions in place and the subsequent easing of restrictions up to at least the end of June 2020. It will then be reviewed on a regular basis to extend as deemed necessary by the Senior Leadership Team.

The main reasons are as follows

1. To support the access to free parking for parking for NHS and relevant Key Workers.
2. To encourage shoppers and town centre visitors back into Loughborough
3. To support the re-vitalisation of local shops and businesses
4. To continue to mitigate the risks against spreading the virus by reducing staff, contractor and customer interactions especially at the pay stations.
5. To demonstrate the Councils support to the local economy and avoid any negative perceptions of the Council

The Council recognise that town centre shops and businesses will need a lot of support once lockdown measures are eased. Many businesses will be struggling or may even fail following several months of closure and no income. The government has also recognised the long-term implications of the pandemic. Hence, they have given District Councils funding to support businesses and to kick-start the economy. Charnwood has received £1.7 million from the government to support businesses. Part of this funding will off-set the significant loss of income to the Councils overall budget.

Authority for the decision

The Head of Paid Services is delegated under the Council's Constitution, Section 8, Scheme of Delegation to Officers, Page 8 – 4 to 8 – 5

“9. To authorise urgent expenditure.

10. To deal with emergency issues or those that are urgent, including authority to make temporary changes to management arrangements for a period of up to 3 months and generally to give effect to anything that is required to be done in those circumstances that are not otherwise provided for in the delegation arrangements.”

Additionally, the Head of regulatory Services under The Council’s Constitution, section 8, Scheme of Delegation to Officers Page: 8-27, Street Management, bullet point 7:

“To use car parking promotions as an operational tool to encourage users to park in Council town centre car parks when it is considered beneficial to the town and the Council.”

A COVID 19 response report will be going to Cabinet to confirm this Decision.

Decision and Date



Approved 18th June 2020

Background

The Government introduced national restrictions on working and movement on the 23rd March 2020. Following the government’s ‘stay at home’ announcements, the Council implemented working restrictions for staff, services and all non-essential travel. Throughout the lockdown period the number of drivers using the car park has fallen dramatically as local shops and businesses closed and visitors have stopped coming into town.

The car parks remained open in the town centre, but the Senior Leadership Team made a decision, through the Business Continuity Group, to introduce free parking from Friday 27th March 2020. The decision to introduce free parking was to support the Country’s COVID 19 response and provide free access to NHS staff and Key Workers, and it reduced the contamination risk between the public, contractors and staff. Car Parking numbers during this period had significantly reduced.

Not only does parking income provide important financial support to other Council support services, but it also helps with the turnover of visitors and, therefore, supports the vitality of the town centre and local businesses. Free parking was initially a temporary measure based on operational practicalities and safety. Parking charges will *still* need to be re-introduced once the lockdown is eased and as the virus is controlled.

An options paper – “The re-introduction of parking charges to Town centre car parks” was presented to the Senior Leadership Team on 6th May 2020. The following options were presented:

1. All car parking remains free – this is how car parks are currently being operated during the Government ‘lockdown’ period.
2. Re-introduce all car park tariff fees – i.e. a full return to normal operation
3. A 2 hours free tariff. That is an interim concession as part of a phased return to normal operation. (This option does have significant operational issues to implement)

4. A 60p per day tariff charged all week as an alternative concession leading to a phased return to full tariff fees.

SLT have recommended option 1 for the short to medium term with a further review of this in mid June 2020. This was based on the continued support for NHS staff, Key Workers, Staff returning to work, visitors and shoppers returning to Loughborough.

Comments from HR

HR Adviser: Anna Cairns (19/5/20)

There are no significant impacts on staffing to consider.

Financial Implications

The main income codes are listed below showing income for 2019/2020:

Subjective code	Text	2019/20 Amount	Per Month
J0502	Car Park Charges	*£850k	£71k
J0505	Staff Car parking Charges	£5.5k	£460 (from wages only)
J0581	Season tickets	£11k	£920
J0584	Parking Penalty	£29k	£2.4k
		£896k	£75k

**Including Browns Lane Leisure Centre car park*

Note that while the term "loss of income" is used. This is in the context of parking income which is only one budget line used to support all Council Services. The term is used in context of the whole Council's budget.

The approximate loss of income per month based on last year is approximately £75k from all car park income codes and approximately £225k up to the end of June 2020

However, this loss of income has been partially off-set by the Government support funding.

Loss of income will be monitored in Agresso budgets for car parks.

Risk Management

The financial implications are identified above. There is a risk that the longer the free parking goes on the greater the financial implications and greater the expectation from the Town Centre and members of public.

Free parking means a loss of income from the Council's budget of £75k per month so £225k for the first quarter up to the end of June 2020. This loss of income is to be off set by the central government funding. If the free parking is extended to December 2020, the loss of parking income will be approximately £650k.

The free charging has been recommended to support the re-start of the town centre economy and ensure its mid to long term vitality. The risk of not having free parking is that Council's parking policy will be perceived to be a contributing factor to the success or otherwise of the town centre economy.

Another risk is the public perception of re-introducing parking charges. There may be a public backlash once parking charges are implemented. Publicity and PR will be essential during the free parking period and leading up to the re-introduction of charges. A positive message that this is to support local businesses.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Loss of parking income to the Council for 1 st Quarter of 20/21	3	3	9	Off set by Government funding contribution
Failure to support the town centre economic recovery through offering free parking	3	2	6	Offer free parking with dates for the temporary support period
Failure to communicate the re-introduction of fees after a temporary period will lead to negative publicity	3	2	6	Publicity campaign throughout the free period and leading up to the re-introduction of charges

Key Decision: Yes / No

Background Papers:

- Minutes from SLT meeting – 6th May 2020
- Options Paper: The re-introduction of parking charges to Town Centre car parks

COUNCIL – 7TH SEPTEMBER 2020

Report of the Chief Executive

ITEM 13 URGENT COUNCIL FUNCTION DECISIONS TAKEN DURING COVID-19 PANDEMIC

Purpose of Report

To note the action taken by the Chief Executive, and/or Strategic Directors and Heads of Service, in respect of Council function decisions which were made under urgency provisions due to the COVID-19 pandemic.

Action Requested

Questions may be asked of the Leader in relation to the action taken. The Leader may ask the relevant Lead Member to respond.

Policy Justification and Previous Decisions

Under section 8.2 of the constitution which relates to the delegation of Council functions there is provision for the Chief Executive, Strategic Directors and Heads of Service to take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Mayor, the Chair of the relevant committee, or, in the Chair's absence, the Vice-chair;
- (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
- (iii) report on the action taken being made to the next [Ordinary] meeting of the Council or relevant committee, as appropriate

The Council function decisions taken by the Chief Executive and/or Strategic Directors and Heads of Service being reported to this meeting of Council are:

- DD054 2020 - Emergency Community Funding COVID-19
- DD067 2020 - Remote Meetings Procedure Rules Approval
- DD078 2020 – Committee Appointment Continuation
- DD113 2020 – Pavement Licences

The decisions can be found in the Annex to this report.

Implementation Timetable including Future Decisions

As detailed within the reports attached as an Annex.

Report Implications

As detailed within the reports attached as an Annex.

Background Papers: None

Officer to Contact: Karen Widdowson
Democratic Services Manager
(01509) 634785
karen.widdowson@charnwood.gov.uk

Annex

Reports of the decisions taken by the Chief Executive and/or Strategic Directors and Heads of Service

Decision under Delegated Powers

Officer Requesting Decision

Strategic Director of Corporate services

Officer Making the Decision

Chief Executive

Recommendation

That the following additional funding from the Council's reserves be made available with immediate effect in response to the COVID-19 pandemic:

- £100,000 – to support the work of the Community Impact Group
- £20,000 – to supplement the local Council Tax Support budget

Reason

To take action in relation to a matter which would otherwise have been submitted to Full Council.

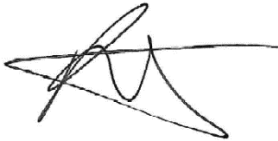
Authority for Decision

Delegation of Council functions - Section 8.2 of the Constitution states that the Chief Executive, Strategic Directors and Heads of Service can take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Mayor, the Chair of the relevant committee, or, in the Chair's absence, the Vice-Chair;
- (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
- (iii) a report on the action taken being made to the next meeting of the Council or relevant committee, as appropriate.

The additional funding can be regarded as a change to the authorised budget which would be a Council decision in the normal course of business. Therefore, Section 8.2 of the Constitution is applicable in this case.

Decision and Date



25th March 2020

Background

At the date of this decision external factors – the COVID-19 pandemic and associated impacts have made it necessary to provide ad-hoc and additional support to our communities. To implement this support on a timely basis it is considered necessary that the urgency provisions within the Constitution are used.

In respect of the specific recommendations:

- *Community Impact group* – in response to Government initiatives and general recognition that community support by the Council needs to be increased, initial funding to the value of £100,000 is requested to support the work of this group
- *Local Council Tax Support* – many individuals are experiencing sudden reduction or cessation of personal income giving rise to difficulty in paying council tax bills. This has led to significant extra demand on the Council Tax Support fund. It is envisaged that government support will be forthcoming in due course in this area, but additional funding is requested at this time to ensure support can continue in the short term.

Additional staff resources required to support the community during this period will also be required and it is anticipated that this fund will be utilised for that purpose.

Financial Implications

This decision will result in the Council's reserves being depleted by an additional £120,000 compared to the use of reserves authorised in the 2019/20 budget.

Consultation with the Mayor

The Mayor, Councillor Brenda Seaton was consulted and stated "I fully concur with the recommendation to make available additional funding to be made available from the Council's reserves to support the Community Impact Group and to supplement the Local Tax Support Budget".

Consultation with Chief Executive and relevant Strategic Directors

Consultation has been effectively concluded via the Council's COVID-19 organisational response to the pandemic. The Chief Executive and all

Directors have concluded that the recommendations of this report are both necessary and urgent.

Risk Management

There are no specific risks associated with this decision

In reality the risks around this decision relate to not making the funding available.

Key Decision: No

Date included on Forward Plan N/A

Background Papers: None

Decision under Delegated Powers

Remote Meetings Procedure Rules

Officer Requesting Decision

Karen Widdowson, Democratic Services Manager and Deputy Monitoring Officer

Officer Making the Decision

Chief Executive

Recommendation

That the Remote Meetings Procedure Rules as attached be approved to enable the Council to operate remote meetings immediately.

Reason

To enact the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 that came into effect on 4th April 2020.

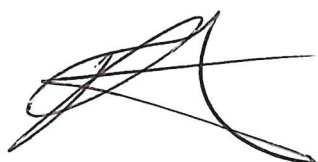
Authority for Decision

The Head of Strategic Support has delegated authority to make minor amendments to the Constitution. However, on this occasion due to the nature of the changes it is considered that the Remote Meetings Procedure Rules be approved under the emergency provisions set out below:

Delegation of Council functions - Section 8.2 of the Constitution states that the Chief Executive, Strategic Directors and Heads of Service can take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Mayor, the Chair of the relevant committee, or, in the Chair's absence, the Vice-Chair;
- (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
- (iii) a report on the action taken being made to the next meeting of the Council or relevant committee, as appropriate.

Decision and Date



15/4/20.

Background

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 came into effect on 4th April 2020.

Of note is that the Regulations allow council committee meetings to be held virtually for a temporary period up to 7 May 2021.

Therefore, in order to facilitate remote meetings at Charnwood Borough Council, the attached remote meetings procedure rules have been drawn up to provide the rules for the conduct of any meeting which the Council has determined will be suitable for remote conferencing of the Council and its various Committees and Sub-Committees.

Guidance notes for members and members of the public taking part in remote meetings have also been produced and are based on the attached procedure rules.

Consultation with the Mayor

The Mayor has been consulted on the attached procedure rules and on this occasion the two Group Leaders and Independent Councillors have also been consulted. Their suggestions/ amendments are reflected in the attached.

Consultation with Chief Executive and relevant Strategic Director(s)

Consultation has been effectively concluded via the Council's COVID-19 organisational response to the pandemic. The Chief Executive and all Directors have concluded that the recommendations of this report are both necessary and urgent

Comments from HR

Not applicable

Financial Implications

Not applicable.

Risk Management

None identified.

Key Decision: No

Date included on Forward Plan N/A

Background Papers:

<http://www.legislation.gov.uk/uksi/2020/392/contents/made>

REMOTE MEETINGS PROCEDURE RULES

This document sets out the rules for the conduct of any meeting which the Council has determined will be suitable for remote conferencing of the Council and its various Committees and Sub-Committees.

Members may be able to participate by means of conferencing if so, agreed by the Chair of the meeting in accordance with arrangements agreed from time to time by the Council. Attendance by conferencing will be with the agreement of the Chair and process for arranging attendance as set out in these Procedure Rules must be complied with.

How will notice of Meetings be provided?

The Proper Officer will give notice to the public of the time of the meeting and shall provide details of how the meeting shall be open to the public which shall be through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming.

Application of the Meetings Procedure Rules

These rules should be read in conjunction with the Meeting Procedure rules set out in Chapters 9 to 15 of the Constitution. In addition, these rules should be read in conjunction with the Members Planning Code of Good Practice set out in Chapter 24 of the Constitution.

Quorum

Any Member so authorised to participate by remote conferencing shall be regarded as present for the purposes of determining a quorum.

In the event of any failure of remote conferencing link the Clerk controlling the meeting will immediately determine if the meeting is still quorate, if it is then the business of the meeting will continue, if there is no quorum then the meeting will only in such circumstances, adjourn for a period specified by the Chair to allow the connection to be re-established.

Types of Remote Link

Members should try to establish video conferencing capability however by exception, they may attend by audio/telephone only.

Record of Attendance

The Chair will confirm at the outset and at any reconvening of the meeting that they can see and hear all participating Members. Any Member participating by remote link must also confirm at the outset and at any reconvening of the meeting that he/she can see and hear the proceedings and the other attendees.

The Clerk will record attendance on behalf of Members.

Declaration of Interests

Any Member participating by remote link who declares an interest in any item of business in terms which requires them to leave the room must also leave the remote conference. The departure will be confirmed by the Clerk and at the appropriate time after the item has been considered will re-invite the member back into the meeting.

Disruption to remote conferencing

Should any aspect of the conference link fail, the Chair may call a short adjournment of up to five minutes to determine whether the link can quickly be re-established. Efforts should continue to re-establish the link, but the meeting shall continue to deal with the business whilst this happens providing the meeting remains quorate.

In the event of link failure, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting then the presumption will be that the meeting should continue to deal with the item.

If the link is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.

The Clerk or Legal Adviser in the case of the Plans Committee will check in with the Member to determine whether the member who lost their link has sufficiently taken part in proceedings to enable them to take part in the further discussion and voting thereon in.

Notification of Right to Speak

The Chair shall state at the beginning of the meeting how Members should notify them that they wish to speak considering whether video or audio/telephone conferencing is being used.

Voting

A remote Member participating in a vote will cast his/her vote as if participating in a recorded vote. The simplest way to record a vote is for the Clerk to undertake a roll-call of all present committee members in alphabetical order and ask them to state their vote. The Chair will be asked to cast their vote last in case of a tie in voting and that they are required to cast a second vote.

The Clerk or Legal Adviser in the case of Plans Committee will also check the voting (as it occurs) and then verbally confirm the totals of yes/no/abstain of the vote.

Deputations

It is common practice for members of the public who wish to speak at a meeting to give advance notice and the questions on notice procedures set out in the meeting procedures of the Constitution shall continue to be followed.

Decision under Delegated Powers

Appointments for 2020/21

Officer Requesting Decision

Head of Strategic Support

Officer Making the Decision

Rob Mitchell – Chief Executive

Recommendations

1. That appointments to the Council's committees, including the positions of Chair and Vice-chair where applicable, as set out in the appendix , and the composition of the Loughborough Area Committee and the Scrutiny Call-in Committee continue until the next annual meeting of the Council or when the Council otherwise determines.
2. That Councillor Brenda Seaton continue to be the Mayor until the next annual meeting of the Council or when the Council otherwise determines.
3. That Councillor David Snartt continue to be the Deputy Mayor until the next annual meeting of the Council or when the Council otherwise determines.
4. That Councillor Taylor continue as Charnwood Borough Council's representative on the Police and Crime Panel and that Councillor Morgan continue as the nominated substitute on the Police and Crime Panel until the next annual meeting of the Council or when the Council determines.
5. That Councillors Radford, Tassell and Draycott continue to be appointed to the Housing Management Advisory Board on the basis of political balance (2 Conservative and 1 Labour) until the annual meeting of the Council or when the Council determines.

Reasons

- 1-5 To provide continuity of membership during the COVID-19 Pandemic until the next annual meeting of the Council is held or when the Council determines.

Authority for Decision

Delegation of Council functions - Section 8.2 of the Constitution states that the Chief Executive, Strategic Directors and Heads of Service can take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Mayor, the Chair of the relevant committee, or, in the Chair's absence, the Vice-Chair;
- (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
- (iii) a report on the action taken being made to the next meeting of the Council or relevant committee, as appropriate.

Decision and Date



Approved 18th May 2020

Background

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into effect on 4th April 2020.

The Regulations were made by the Secretary of State for Housing, Communities and Local Government, in exercise of the powers conferred by section 78 of the Coronavirus Act 2020(1) and paragraph 36(1)(b) of Schedule 6 to the Police Reform and Social Responsibility Act 2011(2).

These regulations give local authorities greater flexibility in the conduct of meetings, including allowing members to attend remotely, and for public and press access to those meetings. Of significance is that the holding of the Annual Council meeting during what would have been the normal 2020/21 municipal year is now a matter of choice.

The Annual Council meeting scheduled for 18th May 2020 has been delayed until such time that the proper officer determines.

Accordingly, with local authorities not required to hold annual meetings under these regulations, current appointments automatically continue until the next annual meeting of the authority or when the local authority determines. This provides, in the absence of an annual meeting, continuity of membership.

This delegated decision therefore confirms the position on the various appointments.

Comments from HR

N/A in this case.

Financial Implications

None.

Consultation with the Mayor

The Mayor and Deputy Mayor have been consulted and indicated that the delegated decision to confirm appointments in accordance with the law is satisfactory. In addition, on this occasion the Group Leaders have also been consulted and also confirm the approach.

Consultation with Chief Executive and relevant Strategic Director(s)

Consultation has been effectively concluded via the Council's COVID-19 organisational response to the pandemic. The Chief Executive and all Directors have concluded that the recommendations of this report are both necessary and urgent.

Risk Management

None identified.

Key Decision: No

Background Papers: None



COMMITTEE MEMBERSHIP 2020/21

Mayor: Councillor Seaton ([Conservative](#))
Deputy Mayor: Councillor Snartt ([Conservative](#))

SCRUTINY

Scrutiny Commission

Name	Group
Councillor Rattray (Chair)	Conservative
Councillor Draycott (Vice-chair)	Labour
Councillor Bailey	Conservative
Councillor Baines	Conservative
Councillor Hadji-Nikolaou	Conservative
Councillor Parsons	Conservative
Councillor Bolton	Labour

Corporate Services Scrutiny Committee

Name	Group
Councillor Parsons (Chair)	Conservative
Councillor Baines (Vice-chair)	Conservative
Councillor Paling	Conservative
Councillor Radford	Conservative
Councillor Shepherd	Conservative
Councillor Boldrin	Labour
Councillor Goddard	Labour

Housing, Planning & Regeneration and Regulatory Services Scrutiny Committee

Name	Group
Councillor Grimley (Chair)	Conservative
Councillor Ranson (Vice-chair)	Conservative
Councillor S. Bradshaw	Conservative
Councillor Capleton	Conservative
Councillor Gerrard	Conservative
Councillor Brennan	Labour
Councillor Needham	Other

Neighbourhoods and Community Wellbeing Scrutiny Committee

Name	Group
Councillor Miah (Chair)	Labour
Councillor Brookes (Vice-chair)	Conservative
Councillor Fryer	Conservative
Councillor Gerrard	Conservative
Councillor Howe	Conservative
Councillor Popley	Conservative
Councillor Campsall	Other

Scrutiny Call-in Committee

Name	Group	
Councillor Rattray (Chair)	Conservative	Chair, Scrutiny Commission
Councillor Draycott (Vice-chair)	Labour	Vice-chair, Scrutiny Commission
Councillor Parsons	Conservative	Chair, CS Scrutiny Committee
Councillor Baines	Conservative	Vice-chair, SCC Scrutiny Committee
Councillor Grimley	Conservative	Chair, HPRRS Scrutiny Committee
Councillor Ranson	Conservative	Vice-chair, HPRRS Scrutiny Committee
Councillor Miah	Labour	Chair, NCW Scrutiny Committee
Councillor Brookes	Conservative	Vice-chair, NCW Scrutiny Committee

Note: Comprises Chair and Vice-chair of the Scrutiny Commission, the Corporate Services Scrutiny Committee, the Heath, Planning & Regeneration and Regulatory Services Scrutiny Committee and the Neighbourhoods and Community Wellbeing Scrutiny Committee.

OTHER COMMITTEES

Appeals and Reviews Committee

Name	Group
Councillor Capleton (Chair)	Conservative
Councillor Howe (Vice-chair)	Conservative
Councillor Charles	Conservative
Councillor K. Harris	Labour
Councillor Needham	Other

Audit Committee

Name	Group
Bev Angel (Independent Chair)	Independent Member
Councillor S. Bradshaw	Conservative
Councillor Charles	Conservative
Councillor Hadji-Nikolaou	Conservative
Councillor Parsons	Conservative
Councillor Bolton (Vice chair)	Labour
Councillor C. Harris	Labour

Note: The chair of Audit Committee is an Independent Person appointed by a selection process. The Vice Chair is appointed by the Committee annually.

Licensing Committee

Name	Group
Councillor Pacey (Chair)	Conservative
Councillor Lowe (Vice Chair)	Conservative
Councillor Forrest (Vice Chair)	Labour
Councillor Brookes	Conservative
Councillor Capleton	Conservative
Councillor Howe	Conservative
Councillor Murphy	Conservative
Councillor Paling	Conservative
Councillor Parton	Conservative
Councillor Ranson	Conservative
Councillor Savage	Conservative
Councillor C. Harris	Labour
Councillor Tillotson	Labour
Councillor Ward	Labour
Councillor Popley	Conservative

Note: All members of Licensing Committee must have undertaken the relevant

Licensing training before taking part in meetings.

Note: No requirement for political balance

Member Conduct Committee

Name	Group
Councillor Tassell (Chair)	Conservative
Councillor Murphy (Vice Chair)	Conservative
Councillor Bentley	Conservative
Councillor Hadji-Nikolaou	Conservative
Councillor Rollings	Conservative
Councillor J. Bradshaw	Labour
Councillor Hamilton	Labour
Vicky Ball	Parish Member
Eric Ellingworth	Parish Member
Julie Jones	Parish Member

Personnel Committee

Name	Group
Councillor Morgan (Chair)	Conservative
Councillor Boldrin (Vice-Chair)	Labour
Councillor Barkley	Conservative
Councillor Poland	Conservative
Councillor Shepherd	Conservative
Councillor Snartt	Conservative
Councillor Ward	Labour

Note: All members of Personnel Committee, and any members who reserve on Personnel Committee, must have undertaken the relevant Personnel training before taking part in meetings.

Plans Committee

Name	Group
Councillor Fryer (Chair)	Conservative
Councillor Bentley (Vice-chair)	Conservative
Councillor Bailey	Conservative
Councillor Grimley	Conservative
Councillor Lowe	Conservative
Councillor Ranson	Conservative
Councillor Savage	Conservative
Councillor Snartt	Conservative
Councillor Tassell	Conservative
Councillor Forrest	Labour
Councillor Hamilton	Labour
Councillor Tillotson	Labour
Councillor Campsall	Other

Note: All members of Plans Committee, and any members who reserve on Plans Committee, must have undertaken the relevant Planning training

before taking part in meetings.

Loughborough Area Committee

Name	Ward	Group
Councillor J. Bradshaw Councillor Goddard	Loughborough Ashby	Labour Labour
Councillor K. Harris Councillor Ward	Loughborough Dishley and Hathern	Labour Labour
Councillor Boldrin Councillor Campsall	Loughborough Garendon	Labour Other
Councillor Draycott Councillor Hamilton (Chairman)	Loughborough Hastings	Labour Labour
Councillor C. Harris Councillor Miah	Loughborough Lemyngton	Labour Labour
Councillor Parsons Councillor Smidowicz	Loughborough Nanpantan	Conservative Conservative
Councillor Bailey Councillor Morgan	Loughborough Outwoods	Conservative Conservative
Councillor Bolton Councillor Brennan	Loughborough Shelthorpe	Labour Labour
Councillor Mercer Councillor Parton	Loughborough Southfields	Conservative Conservative
Councillor Forrest Councillor Tillotson (Vice-Chairman)	Loughborough Storer	Labour Labour

Decision under Delegated Powers

Officer Making the Decision

Chief Executive

Recommendation

That the additions to the delegation of Council functions to officers as attached in the appendix to this decision be made.

Reason


To take action in relation to a matter which would otherwise have been submitted to Full Council.

Authority for Decision

Section 8.2 of the Constitution states that the Chief Executive, Strategic Directors and Heads of Service can take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Mayor, the Chair of the relevant committee, or, in the Chair's absence, the Vice-Chair;
- (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
- (iii) a report on the action taken being made to the next meeting of the Council or relevant committee, as appropriate.

Decision and Date



Approved 23/07/20

Background

The Business and Planning Act received Royal Assent on 22 July 2020. The Act introduces a streamlined fast-tracked and cheaper route to apply for a Pavement Licence granted by the local authority for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. This will help support them to operate safely whilst social distancing measures remain in place.

Pavement licences have previously been granted under Part 7A of the Highways Act 1980 by Leicestershire County Council with a 28 day consultation period. This temporary streamlined process has a 7 day consultation period and a fee capped at £100.00, and is a district council responsibility.

1. Part 1, Section 2 of the Act states ;
“An application for a pavement licence must be made to a local authority must–
 - (a) Be made in writing and in such form as the authority may specify,
 - (b) Be sent to the authority using electronic communication in such manner as the authority may specify, and
 - (c) Be accompanied by such fee not exceeding £100.00 as the local authority may require.

2. Part 4 of the Act states that a pavement licence may be granted by a local authority for such period as the local authority may specify (not less than 3 months) or with no limit on its duration, in which case it expires at the end of 30th September 2021. Any licence which is in force at the end of the 30th September 2021 expires at that time.

This matter is determined to be an ‘Council Function’ and this decision is to provide the Head of Regulatory Services and the Head of Leisure & Culture ‘Delegated Authority’ from the Council to grant a pavement licence on behalf of Charnwood Borough Council:

- (a) for such period as the local authority may specify in the licence,
- (b) with no limit on its duration, in which case it expires at the end of the 30th September 2021.

An urgent decision is required to delegate the new powers to the relevant officers prior to the next full Council meeting in September 2020. This decision will be reported to that meeting.

Proposals

Chapter 8.2 of the Constitution sets out the delegations of Council functions to officers, and it is proposed that the delegations as set out in the appendix are added to those.

Comments from HR

There are no HR implications.

Financial Implications

It is not known how many applications the Council may receive as this is only a temporary measure to assist premises while social distancing measures stay in force. Additionally, Leicestershire County Council can continue to issue permanent street pavement licences.

Processing licence applications will use officer time, and a fee of up to £100 may be set.

Consultation with the Mayor

The Mayor has been consulted and has agreed that this is an urgent decision that cannot wait until the next full Council meeting.

Consultation with Chief Executive and Strategic Directors

Strategic Directors have been consulted and support the proposals.

Risk Management

No specific risks have been identified with this decision.

Key Decision: No

Background Papers: None

Addition to Chapter 8.2 Delegation of Council Functions

Delegations to the Head of Regulatory Services and to the Head of Leisure & Culture:

Pavement Licences

- To determine fees up to the statutory maximum
- To determine applications for a Pavement Licence
- To determine to vary a Pavement Licence
- To determine to serve a Notice
- To determine to revoke a Pavement Licence
- To determine to apply or vary conditions of a Pavement Licence
- To determine requests for review in relation to any aspect
- To take enforcement or other actions to exercise relevant powers under the Business & Planning Act

COUNCIL – 7TH SEPTEMBER 2020

Report of the Chief Executive

Part A

ITEM 14 CHANGES TO THE DELEGATION OF EXECUTIVE
FUNCTIONS

Purpose of Report

To inform Council of changes to the delegation of Executive functions.

Action Requested

In accordance with Full Council Procedure 9.11(d) questions may be asked of the Leader in relation to the changes to the delegation of Executive functions.

Policy Justification and Previous Decisions

Councillor Jonathan Morgan was appointed as Leader of the Council on 21 May 2019 for the Council Term 2019/23.

As required by the Constitution, the Chief Executive reports to Council whenever the Leader makes a change to the composition of the Cabinet, or to the allocation of Executive functions to the Cabinet, individual Cabinet members or officers. The following are being reported for information:

1. Delegations to the Head of Strategic and Private Sector Housing

As part of the annual review of the Constitution officers were asked if there were any amendments required to the scheme of delegation to officers. Proposed amendments to the delegation of Council functions are set out in the report on the annual review of the Constitution, which appears elsewhere on this agenda. Proposed changes to the scheme of delegation of Executive functions were submitted to Councillor Morgan, as Leader of the Council. The changes, which are set out in the Annex to this report, were approved on 17th July 2020.

The changes relate to the delegations to the Head of Strategic and Private Sector Housing. The majority of the changes are to bring consistency with other sections of the scheme of delegation, update terminology, reflect changes in legislation, or to delete reference to strategies that no longer exist.

2. Delegations to Strategic Director of Commercial Development.

On the appointment of the new Strategic Director of Commercial Development officers were asked if there were any amendments required to the scheme of delegation to officers. The Strategic Director of Corporate Services and Head

of Finance and Property Services had various delegated powers that needed to be transferred over to the newly appointed Strategic Director of Commercial Development. This review of delegations also highlighted some inconsistencies in lease values and as such these have been regularised. The changes, which are set out in the Annex to this report, were approved on 25th August 2020.

Implementation Timetable including Future Decisions and Scrutiny

The Leader may amend the size and composition of the Cabinet and the scheme of delegation relating to Executive functions at any time during the year. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

Report Implications

Financial Implications

There are no financial implications associated with the changes to the delegation of Executive functions.

Risk Management

No specific risks have been identified in connection with this report.

Background Papers: None

Officer to Contact: Karen Widdowson
Democratic Services Manager
(01509) 634785
karen.widdowson@charnwood.gov.uk

DECISION OF THE LEADER – 17th July 2020

Purpose of Decision

To review the allocation of Executive functions in accordance with section 9E of the Local Government Act 2000.

Decision

That the amendments to the delegation of Executive functions to officers as attached in the appendix and set out in red to this decision be made.

Reason

To ensure that the allocation of Executive Functions meets the requirements of the Council in terms of effective decision making.

Background

Section 9E of the Local Government Act 2000 (as amended) ('the 2000 Act') gives authority to the Leader of the Council to arrange for Executive functions to be discharged by:

- himself or herself;
- the Cabinet;
- another member of the Cabinet;
- a committee of the Cabinet;
- an area committee, or
- an officer of the Council.

Councillor Jonathan Morgan was appointed as Leader of the Council on 21st May 2019 for the Council Term to 2019/23.

The Council's Constitution requires that any decision to change the allocation of Executive functions is reported for information to the next available meeting of the Council. In this particular case, it is anticipated that the matter will be reported to Council on 7th September 2020.

Proposals

Chapter 8.2 of the Constitution sets out the delegations of Council functions to officers.

Chapter 8.3 of the Constitution sets out the delegations of Executive Functions to officers. Under this chapter the Head of Strategic and Private Sector Housing has various delegated powers.

The majority of changes proposed are either to bring consistency with other sections of the scheme of delegation, update terminology, reflect changes in legislation, current policy, or to delete reference to strategies that no longer exist.

The detail of the changes are set out in the appendix and highlighted in red.

Financial Implications

None

Risk Management

No specific risks have been identified in connection with this decision.

Signed:



Councillor Jonathan Morgan, Leader of the Council

Date:

17.07.20

Officer to Contact:

Karen Widdowson
Democratic Services Manager
(01509) 634785
Karen.widdowson@charnwood.gov.uk

Key Decision:

No

Background Papers:

None

Addition to Chapter 8.3 Delegation of Executive Functions

Delegation to the Head of Strategic and Private Sector Housing

Strategic Housing Functions

1. To determine and make decisions under Part 6 and Part 7 of the Housing Act 1996 (as amended)
2. To determine and make decisions under the Homelessness Act 2002.
3. To determine and make decisions under the Homeless Reduction Act 2017.
4. To determine homelessness applications.
5. To determine all applications for ~~allocations~~ the Council's Housing Register and manage the Housing Register and allocate accommodation in accordance with the Council's policies.
6. To make nominations to Registered Providers or other approved providers.
7. To undertake ~~emergency~~ interim and temporary accommodation re-housing of homeless households in accordance with the Council's statutory duties.
8. To serve notices and take the necessary Court action to evict homeless households from ~~emergency~~ interim and temporary accommodation when a statutory duty has ended.
9. To vary the proportion of allocations to statutorily homeless households, in consultation with relevant Lead Member, to reflect any changes in the supply of and demand for housing.
10. To apply approved local lettings policies in consultation with the relevant Lead Member and to approve the right of applicants to appeal about the local lettings policies or allocations which are made under the local lettings policies.
11. To enter into short term letting arrangements of property suitable for persons on the waiting list.
12. To make selective one-off payments to private landlords or mortgagees if it is considered that such payments ~~can avoid higher bed and breakfast and other costs~~ prevent homelessness and avoid temporary accommodation to the Council within budget limits and up to a maximum of £50,000 per annum.
13. To make minor amendments to the Homelessness Strategy and Rough Sleeping Prevention Strategy and Action Plan in consultation with the relevant Lead Member.
14. To consider and determine appeals against the Council's decisions relating to housing register applications. ~~refusal to include an applicant on the housing register~~
14. To make minor amendments to the Housing Allocation Policy in consultation with the relevant Lead Member
15. To consider and determine appeals against ~~any Council decision relating to homelessness~~ the Council's decisions relating to homelessness applications

16. To make minor changes to the Local Lettings Policy for first lettings on Registered Provider new housing developments and for market opportunity schemes, in consultation with the relevant Lead Member.
17. To make amendments to the Housing Asset Management Strategy in response to future legislative changes, changes at local or regional level, or in government guidance, in consultation with the relevant Lead Member.
18. To make amendments to the Housing Allocations Policy in response to future legislative changes, changes at local or regional level, or government guidance, in consultation with the relevant Lead Member.
19. To make amendments to the Tenancy Policy in response to future legislative changes, changes at local or regional level, or government guidance, in consultation with the relevant Lead Member and Head of Landlord Services.
20. To make minor amendments which make no significant difference to service provision, in consultation with the relevant Lead Member.
21. To update the Housing Strategy action plan on an annual basis subject to there being no significant financial or human resource implications arising from the proposals, in consultation with the relevant Lead Member.
22. To acquire additional properties for rent via the HRA where approved funding exists within the Capital Plan for the relevant financial year, and where any property acquired is subject to a condition survey, an independent valuation, standard legal checks, and meets identified housing needs.
23. To make amendments to Nomination Agreements in place between Charnwood Borough Council and Registered Providers, including releasing properties from such agreements.

Private Sector Housing

23. To enter into lease agreements of up to five years under the private sector leasing scheme and make decisions regarding the revocation, renewal, variation or transfer of agreements.
24. To determine mandatory and discretionary disabled facilities grant applications.
25. To reclaim disabled facilities grants and determine cases where the repayment should be waived in accordance with The Housing Grants, Construction and Regeneration Act 1996 and the Disabled Facilities Grant (Conditions Relating to Approval or Payment of Grant) General Consent 2008.
26. To determine Home Repair Grant applications for dealing with serious disrepair in properties.
27. To determine Home Safety Grant and ECO Top Up Grant applications.
28. To determine, Partnership Grants subject to budget availability and qualifying criteria.
29. To increase maximum grant thresholds for Discretionary Disabled Facilities Grants, Home Repair Assistance Grants, Home Safety Grants, ECO Top Up Grants and Partnership Grants, subject to budget availability, in consultation with the relevant Lead Member.
30. To enter into nomination rights agreements following the award of Partnership Grants.

31. To issue rent and deposit guarantees and grants in accordance with the approved scheme.
32. To take action in respect of the repair, closing or demolition of dwellings that are hazardous or otherwise in a state of disrepair, the designation and treatment of clearance and renewal areas, the abatement of overcrowding and the prevention of harassment or unlawful eviction of residential occupiers.
33. To undertake emergency action to private unoccupied premises under section 29 of the Local Government (Miscellaneous Provisions) Act 1982.
34. To take appropriate remedial action for the enforcement of housing standards by the service of notices and orders under Part 1 of the Housing Act 2004.
35. To manage, under Part 2 of the Housing Act 2004, the licensing of houses in multiple occupation.
36. To take action under Part 3 of the Housing Act 2004 in respect of the selective licensing of dwellings.
37. To take action under Part 4 of the Housing Act 2004 in respect of the management of empty dwellings.
38. To serve notices requiring abatement of overcrowding of dwellings.
39. To authorise officers to enter premises under section 239 of the Housing Act 2004 and require documents to be produced under section 235 of the Housing Act 2004.
40. To exercise powers, including powers of entry, powers to investigate offences, to recover costs, to serve notices and to issue fixed penalty notices under the following legislation, as amended from time to time:
 - A Local Government Miscellaneous Provisions Act 1976
 - B Local Government Miscellaneous Provisions Act 1982
 - C Housing Act 2004
 - D Regulation of Investigatory Powers Act 2000
 - E Criminal Justice and Public Order Act 1994
 - F Prevention of Damage by Pests Act 1949
 - G Public Health Acts 1936, 1961 and 1984
 - H Environmental Protection Act 1990
 - I Building Act 1984
 - J Caravan Sites Act 1968
 - K Caravan Sites and Control of Development Act 1960
 - L Mobile Homes Act 1983
 - M. Mobile Homes Act 2013.
41. To update the Empty Homes Strategy Action Plan on an annual basis subject to there being no financial or human resource implications arising from the proposals, in consultation with the relevant Lead Member.
42. To update the Private Sector Housing Grants Policy on an annual basis subject to there being no financial or human resource implications arising from the proposals, in consultation with the relevant Lead Member.
43. To implement the requirements of the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 and take any necessary action required under the Enterprise and Regulatory Reform Act 2013.
44. To implement the requirements of the Smoke and Carbon Monoxide

Alarm (England) Regulations 2015.

45. Any function under Part 2 of the Housing and Planning Act 2016 relating to rogue landlords.
46. Any function under Part 2 of the Housing and Planning Act 2016 relating to Civil Penalties and Banning Orders.
47. Any function under Part 5 of the Housing and Planning Act 2016 relating to rogue landlords
48. Any function under Part 7 of the Housing and Planning Act 2016 relating to compulsory purchase
49. To update the Private Sector Housing Enforcement Policy on an annual basis or more frequently as changes in legislation occur subject to there being no financial or human resource implications arising from the proposals, in consultation with the relevant Lead Member.
- ~~50. To make amendments to Nomination Agreements in place between Charnwood Borough Council and Registered Providers, including releasing properties from such agreements.~~

DECISION OF THE LEADER – 25th August 2020**Purpose of Decision**

To review the allocation of Executive functions in accordance with section 9E of the Local Government Act 2000.

Decision

That the amendments to the delegation of Executive functions to officers as attached in the appendix and set out in red to this decision be made.

Reason

To ensure that the allocation of Executive Functions meets the requirements of the Council in terms of effective decision making.

Background

Section 9E of the Local Government Act 2000 (as amended) ('the 2000 Act') gives authority to the Leader of the Council to arrange for Executive functions to be discharged by:

- himself or herself;
- the Cabinet;
- another member of the Cabinet;
- a committee of the Cabinet;
- an area committee, or
- an officer of the Council.

Councillor Jonathan Morgan was appointed as Leader of the Council on 21st May 2019 for the Council Term to 2019/23.

The Council's Constitution requires that any decision to change the allocation of Executive functions is reported for information to the next available meeting of the Council. In this particular case, it is anticipated that the matter will be reported to Council on 7th September 2020.

Proposals

Chapter 8.2 of the Constitution sets out the delegations of Council functions to officers.

Chapter 8.3 of the Constitution sets out the delegations of Executive Functions to officers. Under this chapter the Strategic Director of Corporate Services and Head of Finance and Property Services have various delegated powers that need to be transferred over to the newly appointed Strategic Director of Commercial Development.

This review of delegations also highlighted some inconsistencies in lease values and as such these have been made regularised.

Financial Implications

None

Risk Management

No specific risks have been identified in connection with this decision.

Signed:

A handwritten signature in black ink, appearing to read 'J Morgan', is written over a solid horizontal line.

Councillor Jonathan Morgan, Leader of the Council

Date:

25 / 08 / 20

Officer to Contact:

Karen Widdowson
Democratic Services Manager
(01509) 634785
Karen.widdowson@charnwood.gov.uk

Key Decision:

No

Background Papers:

None

Chapter 8 SCHEME OF DELEGATION TO OFFICERS

8.1 Introduction	8.1
8.2 Delegation of Council functions	8.3
8.3 Delegation of Executive functions	8.15

8.3 Delegation of Executive functions

Delegation to the Strategic Director (Corporate Services)

1. To act as the Council's Information Security Manager.
2. To authorise the carrying out of direct surveillance and the use of covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.
3. To set and maintain credit card surcharges at an appropriate percentage rate to offset the average costs charged to the Council for accepting credit card payments.
4. To determine appeals against the inclusion of assets on the list of assets of community value in accordance with the Council's process and policy
5. To approve Community Asset Transfers up to the value of £50,000, in consultation with the Strategic Director for the affected service
6. To enter into an agreement with other Leicestershire local authorities for the pooling of locally retained business rates, or to exit from any such agreement that the Council may have entered into, in consultation with the Chief Executive, Leader and Lead Member for Finance.
7. To make minor amendments to the Income and Charging Policy.
8. To exercise discretion in reimbursing staff for mileage incurred on Council business for vehicle types not currently covered by the existing allowance and expenses scheme with due regard to be taken of HMRC or other guidance once available.

Commented [WK1]: 4 & 5 moved to Strategic Director (Commercial Development)

Delegation to Strategic Director (Commercial Development) - Delegation to the Head of Finance and Property Services

Land/Property

1. To submit applications under Regulations 3 and 4 of the Town and Country Planning General Regulations 1992.
2. To process Right to Buy applications and dispose of council properties in accordance with the Right to Buy scheme under the Housing Act 1985.
3. To determine requests to extend the time period for responses from tenants exercising the Right to Buy under the Housing Act 1985.

4. To determine the actual amount of discount repayable in individual cases in respect of the sale of properties previously purchased under the Right to Buy scheme, including the determination of applications to waive repayment, in accordance with Section 155 of the Housing Act 1985, as amended and subject to the Council's Right to Buy Discount Policy.
5. To approve land and property disposals that have been undertaken in accordance with the Asset Management Strategy and the Land and Property Disposal Policy where either:
 - (a) the freehold value is £100,000 or less; or
 - (b) the leasehold value is £50,000 or less.
6. To approve the purchase of land or entering into a lease for the use of land by the Council where the value is under £50,000 (capital) or £420,000 per annum (periodic payment).
7. To obtain a District Valuer's report for any property within the Borough.
8. To determine applications for consent to release covenants in consultation with the relevant Head of Service.
9. To renew, terminate and vary leases.
10. To enter into new leases where the value is under £40,000 per annum.
11. To enter into licences and grants of other rights over land where Heads of Service consider the land is of insignificant current or foreseeable use to the Council or would not suffer significant detriment from the grants of rights and the value is under £50,000 (capital) or £420,000 per annum (periodic payment).

Commented [WK2]: Lease values made consistent at £40,000

Industrial Property

12. To authorise the phasing in of new licence fees for the Council's managed workspaces.
13. To select tenants and licensees and to grant, vary and terminate tenancies and licences of industrial units, compounds and workspaces.
14. To grant initial rent-free periods for industrial units of three months in appropriate cases or for an extended period following consultation with the Leader.
15. To extend licences at the Council's Managed Workspaces for a period of up to 12 months where an extension for that period is justified for properly establishing the business of the licensee.
16. To make available vacant industrial units for non-commercial uses at no rent for periods of fixed short-term duration.
17. To approve and pay fitting out grants for industrial unit's subject to approved limits.

Other:

18. To determine appeals against the inclusion of assets on the list of assets of community value in accordance with the Council's process and policy.
19. To approve Community Asset Transfers up to the value of £50,000, in consultation with the Strategic Director for the affected service.
20. To update and ensure compliance with the Council's Contracts Procedure Rules.

Commented [WK3]: Added to Strategic Director (Commercial Development)

Delegation to Head of Financial Services

Staffing

- ~~1.18.—To determine claims made by officers of the Council in respect of malicious damage to vehicles, arising from business usage in consultation with the Strategic Director concerned and subject to the Police being informed of the incident.~~
- ~~2.19.—To administer the employees' assisted car purchase scheme.~~

Finance

- ~~3.20.—To manage the Council's borrowing portfolio in the light of the Council's Treasury Policy Statement including: borrowing temporary loans up to the maximum permitted; raising money market long-term loans, as necessary; borrowing up to the maximum PWLB quota; and repaying PWLB and money market loans prematurely where in the Council's interest.~~
- ~~4.21.—To manage the investment of surplus funds in accordance with the Council's Treasury Policy Statement.~~
- ~~5.22.—To institute proceedings, excluding bankruptcy proceedings, to pursue debts owed to the Council of under £5,000.~~
- ~~6.23.—To submit annual returns and claims to the Government on behalf of the Council.~~
- ~~7.24.—To declare the local average rate(s) for mortgages and advances at six monthly intervals and applying, as soon as possible, any variation of interest rates occasioned by alterations of either the standard national rate or the local average rate in accordance with the Housing Act 1985.~~
- ~~25. To update and ensure compliance with the Council's Contracts Procedure Rules.~~

Commented [WK4]: Moved to Strategic Director (Commercial Development)

