



CABINET

This meeting will be recorded and the sound recording subsequently made available via the Council's website.

Please also note that under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Bailey, Barkley (Deputy Leader), Bokor, Harper-Davies, Mercer, Morgan (Leader), Poland, Rattray, Rollings and Smidowicz (for attention)

All other members of the Council
(for information)

You are requested to attend the meeting of the Cabinet to be held in Virtual Meeting - Zoom on Thursday, 8th April 2021 at 6.00 pm for the following business.



Chief Executive

Southfields
Loughborough

25th March 2021

AGENDA

1. APOLOGIES
2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS
3. LEADER'S ANNOUNCEMENTS
4. MINUTES OF PREVIOUS MEETING

3 - 8

To approve the minutes of the previous meeting.

5. QUESTIONS UNDER CABINET PROCEDURE 10.7

The deadline for questions is noon on Monday, 29th March 2021.

6. LOCAL DEVELOPMENT SCHEME

9 - 27

A report of the Head of Planning and Regeneration.

Key Decision

7. REVIEW OF CONSTITUTION

28 - 45

A report of the Monitoring Officer, for recommendation to Council.

CABINET 11TH MARCH 2021

PRESENT: The Leader (Councillor Morgan)
The Deputy Leader (Councillor Barkley)
Councillors Bailey, Bokor, Harper-Davies, Mercer,
Poland, Rattray, Rollings and Smidowicz

Councillor Seaton

Chief Executive
Strategic Director; Environmental and Corporate
Services
Strategic Director; Community, Planning and
Housing
Strategic Director; Commercial Development,
Assets and Leisure
Head of Customer Experience
Head of Landlord Services
Head of Neighbourhood Services
Head of Leisure and Culture
Information Technology Delivery Manager
Organisational Development Manager
Neighbourhoods and Partnerships Manager
Leisure Contract and Business Manager
Democratic Services Manager
Democratic Services Officer (LS)

APOLOGIES: None

The Leader stated that this meeting would be livestreamed and recorded and the recording subsequently made available via the Council's website. He also advised that, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

92. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

93. LEADER'S ANNOUNCEMENTS

The Leader made the following announcement:

Virtual/In Person Meetings

"We are now coming up for a year since our last in person meeting. It has been an extraordinary year, but this meeting is testament to how we have managed to adapt to

some extraordinary events. We do not know for sure yet what is going to happen in the future as far as virtual or in person meetings, it would be nice for us to have the option to have some hybrid meetings. It is under the Government's control and I suspect that legislation will not be brought in ahead of the May cut off, so we may have a period where we are not entirely sure what is happening as far as whether we are meeting in person or otherwise. However, I would like to say thank you to all of you this evening in this meeting for enabling these meetings to carry on. They have carried on being effective and I think scrutiny in particular has been very effective and Cabinet meetings in their own right have worked well through Zoom and Teams, and it would be a great shame to lose the ability to carry on using different IT systems in the future to facilitate meetings of different types. I hope the Government will change the legislation to enable this, but it's in their hands and not ours and we will carry on asking them to do so until they do".

94. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 11th February 2021 were confirmed as a correct record.

95. QUESTIONS UNDER CABINET PROCEDURE 10.7

No questions had been submitted.

96. ICT STRATEGY 2021-23

Considered, a report of the Head of Customer Experience setting out an Information and Communication Technology (ICT) Strategy 2021-2023 (item 6 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Head of Customer Experience and the Information Technology Delivery Manager assisted with consideration of the report. In response to a suggestion, it was confirmed that officers would consider apps and whether they were the right option for the organisation and customers, particularly as progress on the transformation programme provided the opportunity to look at that.

RESOLVED

1. that the ICT Strategy 2021-2023, attached as an appendix to the report of the Head of Customer Experience, be approved;
2. that the report of the Scrutiny Commission be noted.

Reasons

1. To identify the priorities against which the Council will seek to maintain and enhance its ICT capabilities over the period 2021-2023.

2. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

97. HOUSING CAPITAL PROGRAMME 2021-22

Considered, a report of the Head of Landlord Services setting out a Housing Capital Programme 2021-2022 (item 7 on the agenda filed with these minutes).

The Head of Landlord Services assisted with consideration of the report.

RESOLVED that the proposed Housing Capital Programme for 2021-2022 amounting to £7,129,000.00, detailed at Appendix 1 to the report, be approved and the Capital Plan be amended to reflect this.

Reason

To improve the Council's housing stock, in line with the Charnwood and Decent Homes Standards, thus delivering the priorities set out in the Housing Revenue Account (HRA) Business Plan approved by Cabinet in September 2014.

98. ANNUAL PROCUREMENT PLAN 2021-22

Considered, a report of the Strategic Director; Commercial Development, Assets and Leisure setting out an Annual Procurement Plan for 2021-2022 (item 8 on the agenda filed with these minutes).

The Strategic Director; Commercial Development, Assets and Leisure assisted with consideration of the report.

RESOLVED

1. that the contracts, over £25,000 and up to £75,000, listed in Appendix A to the report, be let in accordance with Contract Procedure Rules;
2. that the contracts, over £75,001 and up to £500,000, listed in Appendix B to the report, be let in accordance with Contract Procedure Rules.

Reason

1&2. To allow contracts of the Council to be let in accordance with Contract Procedure Rules.

99. CORPORATE DELIVERY PLAN 2021-22

Considered, a report of the Chief Executive setting out a Corporate Delivery Plan 2021-22 (item 9 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Chief Executive and the Organisational Development Manager assisted with the report.

RESOLVED

1. that the 2021-22 Corporate Delivery Plan, appended to the report of the Chief Executive, be approved;
2. that delegated authority be given to the Chief Executive, in consultation with the Leader, to make minor amendments to the Corporate Delivery Plan;
3. that the report of the Scrutiny Commission be noted.

Reasons

1. To identify the Council's key activities and performance indicators for 2021-22 that support the objectives set out in the Corporate Strategy (2020-2024).
2. To allow minor corrections and amendments to be made in a timely manner prior to publication and throughout the 2021-22 Corporate Delivery Plan.
3. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

100. CHARNWOOD COMMUNITY GRANTS

Considered, a report of the Head of Neighbourhood Services setting out proposals for revised Charnwood Community Grants, Community Facilities and Member Grants schemes (item 10 on the agenda filed with these minutes).

The Head of Neighbourhood Services and the Neighbourhoods and Partnership Manager assisted with consideration of the report.

RESOLVED

1. that the revised Charnwood Community Grants Scheme as outlined in Part B, sections 7 to 22 of the report, and as set out in Appendices A and B to the report be approved;
2. that the revised Charnwood Facilities Grants Scheme as outlined in Part B, sections 23 to 32 of the report, and as set out in Appendices C and D to the report be approved;
3. that the revised Member Grants Scheme as outlined in Part B, sections 33 to 35 of the report, and as set out in the Guidance Note attached at Appendix E to the report be approved;

4. that the Head of Neighbourhood Services is given delegated authority, in agreement with the Cabinet Lead Member, to make any further minor amendments to the documents as may be necessary.

Reasons

1. Following the 2021/22 budgets being agreed at Cabinet on 11th February 2021, the grants scheme has been reviewed and changes made, resulting in the proposed new combined grants scheme called Charnwood Community Grants.
2. Following the 2021/22 budgets being agreed at Cabinet on 11th February 2021, the Community Facilities Grant scheme has been revised, removing the Feasibility study and small environmental project elements (after identifying the low numbers of applications over the last 5 years), and the inclusion of certain sports related projects.
3. Following the 2021/22 budgets being agreed at Cabinet on 11th February 2021, the Member Grants scheme has been updated to reflect the amount allocated to each Elected Member.
4. To enable any changes that may need to be made.

101. EXEMPT INFORMATION

RESOLVED that members of the public be excluded from the meeting during the consideration of the following item on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Democratic Services Manager confirmed that the meeting was no longer being livestreamed.

102. LEISURE CENTRES

Considered, an exempt report of the Head of Leisure and Culture providing an update on the position with leisure centres following Council financial support, details of projected year end position for 2020-21 financial year and information on plans for 2021-22 (item 12 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented an exempt report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Scrutiny Commission was thanked for its pre-decision scrutiny of this item and items earlier in the meeting.

The Head of Leisure and Culture and the Leisure Contract and Business Manager assisted with consideration of the report. A typographical error in the report was corrected as detailed in the exempt minute (Cabinet Minute 102E 2020/21).

RESOLVED

1. that decisions be made as detailed in the exempt minute (Cabinet Minute 102E 2020/21);
2. that the exempt report of the Scrutiny Commission be noted.

Reasons

1. As set out in the exempt minute (Cabinet Minute 102E 2020/21).
2. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

NOTES:

1. The decisions in these minutes not in the form of recommendations to Council will come into effect at noon on Friday, 19th March 2021 unless called in under Scrutiny Committee Procedure Rule 11.7. Decisions in the form of recommendations to Council are not subject to call in.
2. No reference may be made to these minutes at the next available Ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on Friday, 19th March 2021.
3. These minutes are subject to confirmation as a correct record at the next meeting of the Cabinet.

CABINET - 8TH APRIL 2021

Report of the Head of Planning and Regeneration Lead Member: Councillor Richard Bailey

Part A

ITEM 6 CHARNWOOD LOCAL DEVELOPMENT SCHEME 2021

Purpose of Report

To seek approval of the revised Local Development Scheme (LDS) so that the programme for the preparation of planning documents for Charnwood is agreed.

Recommendations

1. That the revised programme for the preparation of local development documents as set out in the Local Development Scheme attached to this report be approved;
2. That the Local Development Scheme comes into effect and is published on 16th April 2021;
3. That authority is delegated to the Head of Planning and Regeneration in consultation with the Lead Cabinet Member for Planning to make any minor typographical/graphical amendments to the Local Development Scheme prior to its publication.

Reasons

1. To ensure that the Local Development Scheme provides a realistic programme for the preparation of development plan documents.
2. To meet the requirements of Section 15 of the Planning and Compulsory Purchase Act (2004), as amended by the Localism Act 2011 and the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended by the Town and Country Planning (Local Development) (England) (amendment) Regulations 2008, 2009 and 2012.
3. To enable the timely publication of the revised Local Development Scheme.

Policy Justification and Previous Decisions

The Local Development Scheme (LDS) is a statutory document that sets out the programme for the production of the Charnwood Local Plan. The last LDS was published in April 2020 following Cabinet approval in March 2020 (minute 92 19/20 refers).

The Local Plan will be an important tool in helping to deliver key aspects of the Corporate Strategy and its vision for the borough, particularly in relation to 'Caring for the environment', 'Healthy communities' and 'A thriving economy'.

An up to date local plan is the primary means to encourage new jobs and businesses, ensure that growth in homes and infrastructure benefits residents, and to protect the environment for future generations. An up to date local plan will also support the Council's work to increase tourism and support initiatives to help our towns and villages to thrive and provide sports facilities and green spaces.

The legislative provisions for the Local Plan are set out in the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. Further regulation is provided by the Town and Country Planning (Local Development) (England) Regulations 2004. Amendments to the 2004 Act and Regulations in 2008, 2009 and 2012 provide further specificity around the requirements for LDS and Local Plan production. The Localism Act 2011 requires the LDS to be made available to the community and other interested parties so they understand what policy work will be done and when it is programmed to take place. This then helps them to time their own activities around engagement and promote their objectives at the appropriate time.

The form and content of local plans are shaped by the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) as appropriate.

Implementation Timetable including Future Decisions and Scrutiny

A revised version of the LDS is attached in the appendix and covers the three-year period to 31st March 2024 and would come into effect on 16th April 2021. The programme responds to the strategic planning matters for Leicester and Leicestershire and allows for local development need and supply factors to be considered over an appropriate timescale. The programme is necessary to set out the next stages in the preparation of local planning policy for Charnwood.

Development Plan Documents must be based on credible and robust evidence if they are to be found 'sound' by the Planning Inspectorate. The revised LDS includes a programme that focuses on the preparation of a Local Plan for Charnwood in this context. The LDS also signals the intention to prepare a Supplementary Planning Document to help guide the Council's policies on developer contributions.

Report Implications

The following implications have been identified for this report.

Financial Implications

Provision of £280.6k has been made in the budget for 2021/22 for the work required on the final elements of the evidence base, consultation and examination to enable work identified by the Local Development Scheme to progress in 2021/22. Potential costs of the detailed programme of activity under years two and three will be identified ahead of the appropriate budget setting periods, taking into account the relevant Local Development Scheme review and prevailing circumstances. These will be identified as one-off budget pressures in the relevant budget rounds in line with normal working practice.

The total costs of producing a Local Plan consist of the consultancy costs and establishment staff costs over the period of plan preparation and the costs of the

Planning Inspectorate. Members should be aware that the LDF draws on staff resources from across the council and that staff in the Planning and Regeneration Service are engaged in other tasks, so it is difficult to establish exact costs. However, a response has previously been given to Council (Item 6:6.3 on 29 June 2015) in respect of the last local plan process dating back to 2007 of around £1.5m in staff costs (or an average of about £190k a year over the eight year period) (minute 16.3 15/16 refers). The consultancy costs amounted to c£1m over the same period although it should be noted that these costs were high due to changes in circumstances as the plan progressed. The costs of the Planning Inspectorate are set by Regulation. The examination of the Core Strategy, which ended in November 2015, cost £111k.

Risk Management

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Failure to publish a Local Development Scheme prejudices the effective programming of planning documents and the timely preparation of a sound Local Plan.	Unlikely (2)	Significant (2)	Low (4)	Maintain effective project management through the LDF Project Board

Key Decision: Yes

Background Papers: None

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Part B

Background

1. Local planning authorities are required to prepare a Local Development Scheme (LDS) setting out a 3-year programme for the preparation of local development documents and to keep it under review.
2. The Council adopted its first LDS in October 2005 and revisions have been made a number of times since. The LDS is now reviewed on an annual basis and presented to Cabinet.
3. The review of the LDS sets out the programme for preparing a Local Plan and signals the intention announced in the Core Strategy to prepare a further supplementary planning document. It is essential that work on the Local Plan continues to be given high priority to maintain a positive planning framework for growth and to engage positively in strategic planning matters for Leicester and Leicestershire.

Progress made on the Local Plan

4. Following the adoption of the Core Strategy in November 2015, the 2016 LDS signalled the commencement of a single Local Plan to cover the period to 2036 to respond to the Leicester and Leicestershire Strategic Growth Plan and the government's priority to significantly boost housing delivery.
5. Consultation on the Draft Charnwood Local Plan took place in November and December 2019. The long-term programme proposed for the preparation of the new Local Plan is:
 - Pre-submission Consultation – July 2021
 - Submission – October 2021
 - Inspector's report published – September 2022
 - Adoption of Local Plan – October 2022
6. This programme has been amended since the publication of the 2020 LDS to take account of significant extra work to overcome infrastructure constraints, and to respond to representations on the Draft Local Plan. This has been alongside pressure from competing priorities particularly related to supporting Neighbourhood Planning, supporting the delivery of strategic developments and contributing to and influencing strategic planning matters.
7. The proposed timetable is based on a detailed work programme which maps out the key tasks required ahead of publishing the plan for Pre-Submission consultation to satisfy legal requirements, the National Planning Policy Framework and tests of soundness.
8. The later stages of the programme have also been amended to reflect research undertaken on the length of time the Planning Inspectorate are currently taking to examine a submitted plan, hold hearings and prepare a report. Data from the Planning Inspectorate for the authorities in the East Midlands suggests that it

likely it will take approximately 16 months to progress a plan from pre-submission consultation to adoption.

9. The programme for the Local Development Scheme will be monitored through the Authority Monitoring Report. Managing performance against this programme is important given community and stakeholder expectations and powers available to the Secretary of State to intervene in poor performing authorities.

Supplementary Planning Documents (SPD)

10. The LDS proposes a Supplementary Planning Document on Planning Obligations that will be worked on in the three-year period to provide guidance on the interpretation and use of Core Strategy Policy CS24: Infrastructure and Delivery and subsequently the policy proposed for the Charnwood Local Plan.
11. The Council expects to complete the Planning Obligations SPD within the three-year programme of this Local Development Scheme. The individual programme for the SPD will be prepared and managed to allow the timely preparation of the Charnwood Local Plan.

Appendices

Appendix: Charnwood Local Development Framework Local Development Scheme – April 2021 to March 2024

CHARWOOD LOCAL PLAN
LOCAL DEVELOPMENT SCHEME

APRIL 2021 TO MARCH 2024

APRIL 2021

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1. Introduction

- 1.1. The Charnwood Local Development Scheme sets out the Council's programme for preparing the Charnwood Local Plan.
- 1.2. Local plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. They set the development strategy and policies for delivering the vision of the area. Having an up to date local plan is important because applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this respect, local plans provide clarity for development proposals and a degree of predictability for the community.
- 1.3. Charnwood Borough Council is committed to maintaining an up to date local plan in accordance with National Planning Policy Framework. The programme set out in this Local Development Scheme covers the period 2021 to 2024. It identifies the stages the local plan will go through and the timetable for key activity.

2. Local Plans

- 2.1. The adopted development plan for Charnwood is made up of the Core Strategy (2015) and the detailed 'saved' policies from the Borough of Charnwood Local Plan (2004)¹. The Core Strategy sets the strategic planning framework for Charnwood for the period 2011-2028.
- 2.2. Whilst the proposals in the Core Strategy provide for the period up to 2028, and the strategic growth sites contained within it will continue beyond 2028, the Council has a duty to maintain an up to date local plan. As a consequence, the Council is preparing a single Charnwood Local Plan document to replace the Core Strategy and to replace the remaining 'saved' policies from the Borough of Charnwood Local Plan.
- 2.3. The Core Strategy also signals our intent to prepare Supplementary Planning Documents to provide guidance on how policies should be interpreted, and these are included in this programme.
- 2.4. Progress made on the Charnwood Local Plan is published each year in the Council's Authority Monitoring Report. The Authority Monitoring Report for 2021 will provide details on the Council's work towards the programme set out in this Local Development Scheme.
- 2.5. The planning system uses a raft of technical names for different documents and the status they enjoy. Although every attempt has been made to avoid technical terminology there are occasions where names which have a legislative meaning are used. Where this is the case a glossary of terms is provided at Appendix C to assist the reader. The relationship between different documents is shown in Appendix A.

¹ The minerals and waste local plans prepared by Leicester City and Leicestershire County Councils, and made neighbourhood plans, also form a part of the development plan for Charnwood

3. Programme of work for 2021-2024

Local Plan

- 3.1 The Council's priority within the three-year period is to prepare and submit a new Local Plan and see it examined by the Secretary of State.
- 3.2 The Local Plan will build on the strategy contained within the Core Strategy, setting out the strategic and detailed policies to deliver the Council's vision for Charnwood up to 2037. It will take account of the commitments for housing, employment and other developments across Charnwood, including the existing strategic allocations for Sustainable Urban Extensions and the Loughborough Science and Enterprise Park. It will identify and allocate further sites in the borough needed to meet the needs of the community, including specific sites for development, and designations that reflect special character or that require protection. It will also set out specific policies and criteria against which planning applications for the development and use of land and buildings will be considered. The Local Plan will include a policies map for the whole Borough.
- 3.3 Full details of the Local Plan and its milestones are set out at Appendix B. The Local Plan has been prepared to respond to the Leicester and Leicestershire Strategic Growth Plan which has been approved by all ten partner organisations. The Growth Plan was approved by this Council at the Council meeting on 5th November 2018. Consultation was undertaken on the scope of the new Local Plan in 2016 (in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In April 2018 an informal consultation was undertaken on the issues and options available for the new plan; titled 'Towards a Local Plan for Charnwood'. A Draft Local Plan was then prepared and consulted upon in November 2019 and is available to view here:

www.charnwood.gov.uk/pages/draft_charnwood_local_plan_2019_36 .

- 3.4 The next stage in the preparation of the Local Plan will be the preparation of a Pre-submission Local Plan for further consultation prior to submission. The long-term programme for the preparation of the Local Plan is:
- Pre-submission consultation – July 2021
 - Submission to the Secretary of State – October 2021
 - Inspector's Report published – September 2022
 - Adoption – October 2022

Leicester and Leicestershire Strategic Growth Plan

- 3.5 Charnwood is part of the wider housing market for Leicester and Leicestershire and all of the Councils in this area work together to understand the need for homes and jobs and how to plan for them through their local plans in a coordinated way. A Strategic Growth Plan has been prepared which sets out the amount of homes and jobs needed and the agreement on their distribution across Leicester and

Leicestershire between 2011 and 2050. A Strategic Growth Statement was published in Summer 2016 and a draft plan was the subject of consultation in Spring 2018. Following consultations with residents, businesses, organisations and other key stakeholders the plan was approved by all Councils at a series of meetings held during November and December 2018.

- 3.6 The relationship between the Charnwood Local Plan and the Strategic Growth Plan is an important one, as the local plan takes its lead from the Growth Plan's broader strategy and the numbers of homes and jobs required in Charnwood. The development strategy for Charnwood is a key component of the local plan and can only be identified and tested now the Strategic Growth Plan has been approved. The Council will continue to be heavily engaged in this strategic work during the period covered by this Local Development Scheme, including a Statement of Common Ground, which is currently being prepared with the other authorities in the HMA and the programme for the Charnwood Local Plan reflects this. The relationship between the Charnwood Local Plan and the Strategic Growth Plan is recognised in the risk assessment in Section 5.

Supplementary Planning Documents

- 3.7 Supplementary Planning Documents provide guidance on how existing planning policy should be used and interpreted when developing proposals and taking decisions on planning applications. The Core Strategy identified a need for three Supplementary Planning Documents and the first of these, a Housing SPD was adopted in May 2017. The second, a Design SPD was adopted in January 2020. The remaining SPD is to provide guidance on:

- **Planning Obligations:** to provide guidance on the interpretation and use of Core Strategy Policy CS24: Infrastructure and Delivery

- 3.8 The Council expects to significantly advance the Planning Obligations SPD within the three year programme of this Local Development Scheme.

Community Infrastructure Levy (CIL)

- 3.9 The Council has previously explored the potential for introducing a Community Infrastructure Levy charging schedule and infrastructure list. The Community Infrastructure Levy is a charge that local authorities can levy on most types of new development in their areas based on the size, type and location of the development proposed. The funding secured can be used towards delivery of infrastructure set out on the infrastructure list. However, the Council's major growth proposals set out in the existing Core Strategy are supported by individual Section 106 legal agreements to secure the infrastructure necessary to mitigate their impacts. As a result, the benefits of a CIL Charging Schedule are much reduced. The Council will consider whether CIL is necessary to deliver the proposals set out in the new Local Plan, but substantive work is not programmed within the three-year programme set out in this Local Development Scheme.

Statement of Community Involvement

- 3.10 A Statement of Community Involvement (SCI) sets out how a Council intends to consult and involve the community in the preparation and review of local development documents and in development management decisions. The Charnwood Statement of Community Involvement has recently been updated and was adopted in January 2021.

Neighbourhood Development Plans

- 3.11 The Localism Act makes provisions for Neighbourhood Development Plans to be prepared. More commonly referred to simply as Neighbourhood Plans, they are a community-led document initiated through a Parish/Town Council or Neighbourhood Forum and ultimately adopted by the Council as part of the development plan.
- 3.12 Several parishes have or are in the process of producing Neighbourhood Plans. The Council provides support to Neighbourhood Forums to help them prepare these plans and will work with Town and Parish Councils and other designated groups to accommodate this work within the existing and emerging policy framework. This Local Development Scheme does not prescribe a timetable for those documents as they are community led by the appropriate Neighbourhood Forum and not Charnwood Borough Council. However, within the three-year period covered by this Local Development Scheme significant work is anticipated for at least four Neighbourhood Plans for Anstey, Cossington, Rearsby, and Woodhouse. These plans have the potential to join the Neighbourhood Plans for Thurstaston and Cropston, Barrow upon Soar, Quorn, Sileby and Thrussington as being 'made' by the Council and forming part of the development plan for the relevant parish area. Alongside these plans, Neighbourhood Plans for Queniborough, Rothley and The Wolds Villages have all been through examination with the examiner concluding that, subject to a series of recommended modifications, they meet all the necessary legal requirements and can proceed to referendum; however, these are currently delayed due to Covid 19 restrictions.

4. Project Management and Resources

- 4.1. The Local Plan is managed day to day by the Group Leader of the Plans, Policy and Place Making Group under the direction of the Head of Planning and Regeneration. The Local Development Framework Project Board (LDF Board) provides oversight and is made up of the Chief Executive, the Strategic Director for Community, Planning and Housing, the Cabinet Lead Member for Planning and the Leader of the Council.
- 4.2. The Planning Policy Team provides the bulk of the Council's resource to progress the Local Plan but specialist expertise is drawn from across the Plans, Policies and Place-making Group and elsewhere across the Service when required. The close relationship between the Local Plan and the Council's corporate priorities allows additional support to be drawn from across the Council on specific corporate activities.

- 4.3. Budgetary provision is sought on an annual basis based on the Service Delivery Plan and Local Development Scheme programme. Specific costs relating to the submission of documents and the Examination process are identified in the Council's Medium Term Financial Plan.
- 4.4. The challenge of delivering growth is recognised. The Council is delivering the Local Development Scheme in a project managed environment, supported by appropriate resources.

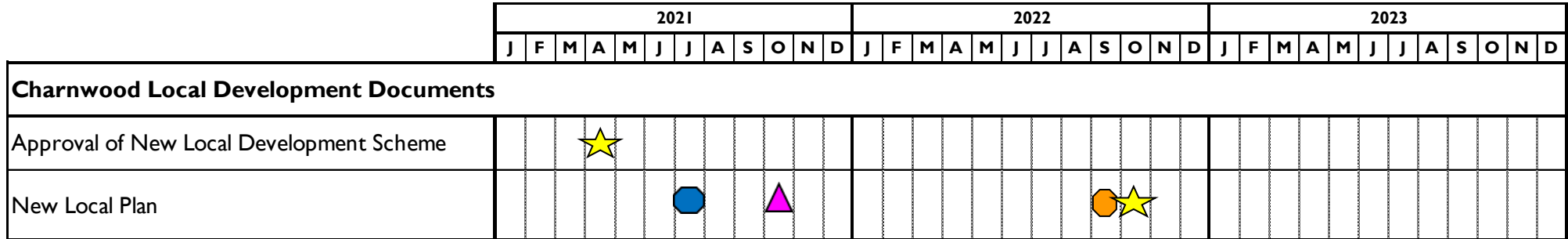
5. Risk Assessment

- 5.1. An assessment has been carried out of the factors that could affect the ability of the council to deliver the Local Plan in accordance with the indicated programme. Actions to manage these risks have been identified.

Risk Identified	Likelihood/Impact	Management Action
Programme slippage	<p>Medium/Medium</p> <p>The Council is expected to meet the milestones in the Local Development Scheme. Failure to deliver against the key milestones will be damaging to the reputation of the local planning authority and the absence of up to date planning policies will hamper the realisation of the Council's vision and lead to unplanned developments in the Borough. The deadlines for preparing the Local Plan are very challenging given the emphasis on community engagement and the potential for development industry interest.</p>	<p>The Local Development Framework Project Board will carefully monitor progress and give priority to achieving the key milestones set out in the Local Development Scheme.</p>
Staff resources	<p>Low/High</p> <p>The Planning Policy Team currently has a stable and experienced staff resource. However, staff changes will impact on the production of the local plan.</p>	<p>Ensure that sufficient staff resources with the necessary experience and expertise are available for the production of the local plan, supplementary planning documents and manage competing work priorities, utilising agency resources as required</p>
Financial resources	<p>Low/High</p> <p>Sufficient financial resources are required to prepare the local plan and supplementary planning documents including for</p>	<p>Ensure the Local Development Scheme informs the council's Medium Term Financial Plan.</p>

Risk Identified	Likelihood/Impact	Management Action
	consultancy support, consultation and the examination process.	
Competing work priorities	<p>High/Medium</p> <p>The Planning and Regeneration Service is involved in a wide range of spatial policy work. Work to implement the Core Strategy, engage and support the Strategic Growth Plan, Neighbourhood Plans and any major unplanned developments will weigh heavily on staff resources especially with respect to appeals.</p>	<p>The high priority of the Local Plan is recognised and at certain times other work will have to take a much lower priority. Where this is not possible consideration is given to outsourcing work to other local planning authorities or consultants.</p>
Level of public interest cause delays	<p>Medium/High</p> <p>Public interest in the Local Plan has been high during previous consultations.</p>	<p>Resources are drawn from across the Planning and Regeneration Service at appropriate times to ensure representations are dealt with.</p>
Lack of capacity of statutory agencies to respond and/or engage	<p>Low/High</p> <p>Decisions taken nationally to change the resources of statutory agencies, and their capacity to manage local plan consultations and other work, may cause delays to the programme</p>	<p>The Local Development Scheme provides forward notice of the council's Local Plan programme. Maintain contact with key agencies to minimise prospect of slippage</p>
Change in national policy/legislation	<p>Medium/High</p> <p>Changes to the statutory process or new substantive policy which affects the content and direction of local policy preparation and decisions may cause delays to the programme.</p>	<p>The Council will carefully monitor new policy and legislation and give priority to managing any impacts on the key milestones set out in the Local Development Scheme</p>
Slippage in strategic evidence/planning or Duty to Cooperate Matters	<p>Medium/High</p> <p>Strategic evidence for homes, jobs and transport will help define the relationship between Charnwood and the wider housing market area and the role of the Charnwood Local Plan. Any delays to this strategic work may cause Duty to Cooperate issues and cause delays to the programme.</p>	<p>The Council will be represented in this strategic work and will carefully monitor and give priority to managing any impacts on the key milestones set out in the Local Development Scheme. A Statement of Common Ground is currently being prepared with the other authorities in the HMA.</p>

6. Programme Chart



KEY:

- Pre-Submission Consultation ●
- Submission ▲
- Inspector's Report Published ○
- Adoption ★

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Appendix A: Charnwood Local Plan and Supporting Documents



Appendix B: Local Plan Profile

Overview	
Title	Charnwood Local Plan
Role and content	<p>Sets out the strategic policies to deliver the Council's vision for Charnwood up to 2037 within the strategic framework set by the Strategic Growth Plan 2011 - 2050</p> <p>Addresses the spatial implications of strategies prepared by other key bodies including the Strategic Growth Plan for Leicester and Leicestershire to be prepared jointly by the local authorities for the area.</p> <p>Identifies land use sites needed to meet development needs to 2037.</p> <p>Sets out specific criteria against which planning applications will be considered.</p> <p>Provides land use designations for the protection and management of natural resources.</p> <p>Includes a proposals map on ordnance survey base to identify specific policies and proposals for development or use of land.</p>
Coverage	Borough wide
Status	Development Plan Document
Chain of Conformity	In accordance with legislation, case law and national planning policies.

Timetable	
Start	April 2016
Scoping and Issues (Regulation 18)	July/August 2016
Draft plan consultation	November 2019
Publication (Pre-Submission Consultation) (Regulation 27)	July 2021
Submission (Regulation 30)	October 2021
Examination hearings	Spring 2022
Adoption and publication of the DPD	October 2022

Management arrangements	
Organisational Lead	Head of Planning and Regeneration Services
Lead Officer	Group Leader Plans, Policies and Place-making
Management Arrangements	LDF Project Board; Cabinet and Full Council; Growth Advisory Group

Resources required	Charnwood Senior & Core Leadership Team; Planning and Regeneration Service; Housing Service; Neighbourhood Services; Open Space and Waste Service; Leisure and Culture Service; Finance and Property Services; Strategic Support Service; Leicestershire County Council including Highway Authority and Education Authority; Leicester City Council including Highway Authority and Education Authority.
Community and Stakeholder involvement	Parish and Town Councils, partner organisations, and others as identified in the Regulations and the Statement of Community Involvement.
Monitoring and review	Authority Monitoring Report

Appendix C: Glossary of Terms

Authority Monitoring Report (AMR) (formerly the Annual Monitoring Report)	An annual document that reports the progress made on plan preparation compared to the Local Development Scheme and the delivery of local plan policies including housing and employment delivery.
Core Strategy	A statutory planning document setting out the spatial vision and strategy for the Borough including key policies, proposals and strategic allocations to deliver the vision.
Development Plan Document (DPD)	Statutory documents prepared by the local planning authority with rigorous community involvement and consultation. They are subject to an examination in public by an independent Planning Inspector appointed by the Secretary of State.
Development Plan	Any adopted Development Plan Documents make up the Development Plan. Under the Planning Acts the Development Plan is the primary consideration in deciding planning applications.
Local Development Framework (LDF)	A binder of documents that provide the planning policies for the area.
Local Development Scheme (LDS)	A document that outlines the Council's three year programme for preparing the Local Development Framework.
Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the local plan. The term includes old policies which have been saved under the 2004 Act.
Neighbourhood Development Plan	The Regulatory title for a planning document which may be initiated and prepared by Parish and Town Councils or Neighbourhood Forums.

	Following robust consultation, independent examination and a local referendum they become 'made' (essentially adopted) by the Council as part of the statutory development plan. They are generally referred to as Neighbourhood Plans and must be prepared in general conformity with the Local Plan.
Spatial planning	A more comprehensive approach to town planning than simple 'land-use' planning, it coordinates the development and use of land with other policies and programmes to benefit places and how they function.
Statement of Community Involvement (SCI)	A document outlining the approach of the authority to involving the community in preparing planning policy and considering significant planning applications.
Strategic Growth Plan	A non-statutory planning document that sets out the spatial planning framework for Leicester and Leicestershire.
Supplementary Planning Documents (SPD)	Documents that provide guidance on how to use and interpret planning policies when developing proposals or taking decisions.
Sustainability Appraisal (SA)	An appraisal of the social, economic and environmental implications of a strategy, policies and proposals. Will ensure that proposals contribute to the achievement of sustainable development.
Sustainable development	Meeting our own needs without prejudicing the ability of future generations to meet their needs.

CABINET – 8TH APRIL 2021

Report of the Monitoring Officer Lead Member: Councillor Margaret Smidowicz

Part A

ITEM 7 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 2021.

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 13th March 2020 (Minute 96 refers) and as a result of the pandemic the report was considered a little later at Council on 7th September 2021 (Minute 23 refers).

The Member Conduct Committee was consulted and asked for any amendments to the Constitution relating to the role of the committee, namely the Members' Code of Conduct and the Monitoring Officers Protocol. No amendments were put forward on this occasion.

Implementation Timetable including Future Decisions and Scrutiny

The proposed changes to the Constitution require Council approval and will be submitted to Council on 26th April 2021. Changes will come into effect from 1st May 2021.

A small number of 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: None

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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, the Chair of the Plans Committee and 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

Housing Management Advisory Board (HMAB)

2. The Council has established a Housing Management Advisory Board to promote tenant and leaseholder engagement in decisions relating to the Council's housing stock.
3. The Housing Management Advisory Board currently comprises:
 - four tenants/leaseholders, selected by a panel comprising the Strategic Director, lead officer for tenant participation, a representative of a recognised independent tenant participation organisation and other Borough Council officers if deemed appropriate by the Strategic Director, appointed for a period of three years providing the person continues to be a tenant/leaseholder;
 - three Councillors, who must not be Cabinet Members, appointed annually on the basis of political balance;
 - one person who is independent of the Council, selected by a panel comprising the Strategic Director, lead officer for tenant participation, two representatives from the Charnwood Housing Residents Forum and other Borough Council officers if deemed appropriate by the Strategic Director, appointed for a period of three years and confirmed annually by the Board.
4. The quorum for meetings of the Board is five members, at least two of whom must be tenants/leaseholders.
5. Over the last 12/18 months there have been occasions when Board meetings has been inquorate due to non-attendance of tenants/leaseholder representatives. This has also been partly due to IT difficulties as meetings are being held virtually.
6. The Board on 4th February 2021 resolved that as part of the next constitutional review to increase the pool of tenant/leaseholder Board Members to six in order to avoid meetings being inquorate and to have a wider range of points of view on the Board (Minute No. 28 refers).

7. Therefore, it is proposed that Chapter 3 of the Constitution be amended as set out in the appendix to increase the tenant/leaseholder representatives from four to six. The quorum for the meetings of the Board should remain the same at five members with at least two of whom must be tenants/leaseholders.

Plans Committee Procedures – Public speaking rights

8. The procedures for public speaking at Plans Committee are set out in Chapter 12 of the constitution. Under 12.12 (b) it refers to the speaker types including 'objectors'. It is considered that the reference to 'objector' leads to uncertainty on occasions where there are actually respondents who wish to support a planning application.
9. For the purposes of clarity and fairness it is suggested that a new category of 'supporter' is added to the procedures to enable a fair representation for those members of the public who wish to speak in support of an application. This category is distinct from the applicant, councillor or parish councillor categories and is not to be used as an additional means for those respondents to support proposals. The same provisions will apply as for other categories in terms of registering to speak and the time limits.
10. Therefore, it is proposed that Chapter 12 of the Constitution be amended as set out in the appendix.

Loughborough Area Committee

11. The Council has established the Area Committee with the following advisory functions:
 - To carry out a consultative role in relation to budgetary and financial issues which either solely or predominantly affect the Loughborough town area.
 - To carry out a consultative role in relation to matters of policy and strategic direction which relate to or affect the Loughborough town area
12. At the meeting of the Loughborough Area Committee on 16th December 2020 (Minute No.7 refers) the Committee resolved that as part of the next Constitutional Review, its authority to commission officers to produce reports for consideration at its future meetings be re-instated in order to make future recommendations to Cabinet.
13. The Constitution states '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'. It is considered that the Constitution is sufficiently clear and as this matter was only reviewed in September 2020 no change is recommended on this point.

Scrutiny Panels

14. The Scrutiny Commission has the following responsibilities:

- Managing the scrutiny work programme
- Commissioning scrutiny task and finish panels
- Community Safety Partnership scrutiny
- Consideration of any call-ins

15. As part of its commissioning role, the Scrutiny Commission considers the recommendations of scrutiny panels, and can either agree, amend or not agree them before they are sent to Cabinet for consideration. One Councillor has suggested that the Scrutiny Commission should only be given the opportunity to comment on Panel recommendations before they are sent to Cabinet.

16. To implement the suggestion would remove the commissioning role of the Scrutiny Commission and their oversight of the overall scrutiny work programme. Scrutiny Panels would also then need to become politically balanced, and this suggestion would effectively make them committees. Membership of Scrutiny Panels is currently achieved through expressions of interest. Therefore, no change is recommended on this point.

Financial Regulations

17. The Council's S151 Officer has identified some wording changes to the Financial Regulations in consultation with the Lead Member for Finance and Property Services.

18. Therefore, it is proposed that Chapter 16 of the Constitution be amended as set out in the appendix.

Scheme of Delegation to Officers - Council Functions

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

Head of Planning and Regeneration

20. The Head of Planning and Regeneration has reviewed the scheme of delegation to officers and identified several changes to the constitution in consultation with the Chair and Vice Chair of Plans Committee and the Lead Member for Planning. These seek to clarify current custom and practice in the service and to enable sub delegations to be made, propose changes to enforcement processes in order to reduce bureaucracy and streamline processes and to clarify arrangements for speakers at committee when they are in support of an application.

21. The following changes are proposed that fall under Council functions:

Development Management

Enforcement

22. At the present there is no specific provision in the Constitution for the Head of Planning to withdraw a planning enforcement notice when made. Sometimes there are occasions where this is necessary for legal or administrative reasons. While there is a general provision in the scheme of delegation for officers to be able to take such action as may in his or her opinion be necessary or appropriate in connection with all operational management matters for those functions and service areas for which he or she has responsibility, it is considered sensible to add a specific provision into the constitution for clarity and also to enable this to be sub delegated as required.

23. In addition, the current process for determining that it is not expedient to take enforcement action is set out in item 10 in the delegation scheme. The procedures in place require consultation with ward councillors and a delegation report similar in scale to a planning application report, which takes time to administer. It is rarely the case that ward councillors respond to the consultation and it is considered that the delegation can be simplified, and changes made to the Enforcement Policy to enable a more streamlined process to follow. This process would see members notified of the outcome of the officer's investigation and the conclusion that it was not expedient to take action. By making these changes it would speed up investigations, simplify the closure of enforcement investigations and free up officer time to deal with cases where it was expedient to take action.

24. Therefore, it is proposed that Chapter 8 of the Constitution be amended as set out in the appendix.

Planning applications that have expired

25. From time to time planning applications that have been submitted to the planning authority expire before they are determined or are otherwise abandoned. These applications would ordinarily remain on the planning register forever as undetermined applications creating uncertainty for the public about their progress and status unless there is a decision to dispose of them. Under Article 40 (13) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, provision is made for the local planning authority to decide that an application may be treated as 'disposed' and it is proposed to formalise this decision making process in the scheme of delegation.

26. Therefore, it is proposed that Chapter 8 of the Constitution be amended as set out in the appendix.

Appeals against non-determination

27. When planning applications are not determined within the statutory 8 or 13 week period (or any extension of time agreed) the applicant may appeal to the Planning Inspectorate that the application has not been determined within time. This process removes the application from the local decision-making environment and gives it to the Planning Inspectorate. Procedurally we are required to respond to the planning Inspectorate within five weeks of receiving their notification of the commencement of the appeal (the 'start letter') setting out how the local planning authority would have determined the application had they had the opportunity to do so. The response is in affect the outline of the local planning authority's statement of case for or against the proposal.
28. As the requirement is to respond within five weeks, there is rarely a circumstance where there is sufficient time to report into the next plans committee meeting given the planned cycle of meetings. The urgency of the situation makes it difficult to arrange a special meeting of committee. If the local planning authority does not respond in five weeks, then the Inspector may refuse to accept the planning authority's statement of case at the appeal.
29. Therefore, it is recommended that delegated authority is given to the Head of Planning and Regeneration to make the report to the planning Inspectorate in these circumstances in consultation with the Chair and Vice Chair of Plans Committee.
30. Therefore, it is proposed that Chapter 8 of the Constitution be amended as set out in the appendix.

Applications contrary to the development plan

31. Item 1 of the scheme of delegation gives delegated authority to the Head of Planning & Regeneration to determine all planning applications subject to a number of exceptions. Under item 1 (i) it refers to those applications that are '...contrary to the provisions of a draft or submitted development plan policy or supplementary planning guidance and is recommended for permission'. However, the courts have shown that while draft and submitted development plan policies are material considerations, they have very little weight in decision making and therefore referring applications to Plans Committee that are not in accordance with a draft or submitted policy is likely to be inconsequential in terms of what this provision was originally intended to capture.
32. Similarly, the planning legislation no longer makes references to supplementary planning guidance and therefore it is not considered necessary to refer to them in the constitution.
33. In item 1(ii) there is reference to applications being '...potentially controversial...'. It is not considered necessary to include reference to applications being 'potentially' controversial

34. With regards to item 1(vi) this provision refers to “non minor” rather than ‘minor’ and for the avoidance of doubt this should be amended.

35. Therefore, it is proposed that wording changes be made to item 1 (i), (ii) and (vi) Chapter 8 of the Constitution as set out in the appendix.

Delegations to the Head of Strategic and Private Sector Housing

36. The Head of Strategic and Private Sector Housing has reviewed the scheme of delegation in consultation with the Lead Member(s).

37. 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.

38. Therefore, it is proposed that Chapter 8 of the Constitution be amended as set out in the appendix.

Minor word and spelling changes

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

APPENDIX 1

PROPOSED CHANGES TO THE CONSTITUTION

KEY:

Deleted text shown as struck through

Added text shown in bold and underlined

Item 1 - Housing Management Advisory Board

The Housing Management Advisory Board will be composed of:

- ~~four~~ six tenants/leaseholders, selected by a panel comprising the Strategic Director, lead officer for tenant participation, a representative of a recognised independent tenant participation organisation and other Borough Council officers if deemed appropriate by the Strategic Director, appointed for a period of three years providing the person continues to be a tenant/leaseholder;
- three Councillors, who must not be Cabinet Members, appointed annually on the basis of political balance;
- one person who is independent of the Council, selected by a panel comprising the Strategic Director, lead officer for tenant participation, two representatives from the Charnwood Housing Residents Forum and other Borough Council officers if deemed appropriate by the Strategic Director, appointed for a period of three years and confirmed annually by the Board.

Any member can resign from the Board by giving notice to the Strategic Director. Appointments to vacancies will be made in the same way as the original appointment and will be for the remainder of the resigning member's term of office.

The Chair of the Housing Management Advisory Board will be appointed annually by the Board from among the tenant/leaseholder members. The Board may appoint a Vice-chair from among its members.

The quorum for meetings of the Board will be five members, at least two of whom must be tenants/leaseholders.

Item 2 - Plans Committee – Public Speaking Rights

(b) Public speaking rights

Where written notice is given not later than seven working days before the meeting of the Plans Committee, and this has been confirmed not less than two working days before the meeting itself, the following people may address the committee for a period of no more than five minutes:

- i) An objector to an application where:
 - the objector has made a written comment on the application setting out the reasons for objection;
 - the grounds of objection raise material planning considerations; and
 - the objector has given written notice of a wish to speak;
- ii) **A supporter to an application where:**
 - **the supporter has made a written comment on the application setting out the reasons for support;**
 - **the grounds of support raise material planning considerations; and**
 - **the supporter has given written notice of a wish to speak;**
- iii) An applicant (or agent appointed to act on his/her behalf);
- iv) An authorised representative of the Town/Parish Councils or Meetings that have been consulted supporting the view of those Town/Parish Councils or Meetings on an application.
- v) Where no Town/Parish Council or Meeting exists, an authorised representative of a properly constituted community group based in that area which has made formal representations in respect of the application, supporting the view of that group on an application.

Item 3 – Financial Regulations

16.5 SPECIFIC FINANCIAL RESPONSIBILITIES

(a) Contracts

All members of staff must comply with the requirements of the Council's Contracts Procedure Rules. Their purpose is to set clear rules for the procurement of goods, works and services for the Council. This will ensure a system of openness, integrity and accountability where the probity and transparency of the process will be beyond reproach. In turn this will lead to better value for money and give confidence to all concerned that the Borough Council is fulfilling its fiduciary responsibilities.

Any officer, Member, agent of the Council or firm, whilst acting on the Council's behalf in relation to any contractual matter directly or indirectly concerning the Council, shall conduct themselves in such a manner that the independence and integrity of the Council and the Council's procedures are at all times maintained and are seen to be maintained. Failure to observe such standards of conduct will be regarded by the Council with the utmost gravity.

The Contracts Procedure Rules set out the requirements for tendering and procurement of goods and services. The principal requirements are:

- that for all situations below the values quoted refer to the value of the contract over the whole life of the contract.
- Before commencing any proposed procurement process with an estimated value of £25,000 or more, the appropriate Head of Service must consult the Contract Compliance Officer, relevant Cabinet Lead Member and the ~~Head of Finance and Property Services~~ **Head of Finance**;
- Public Notice must be given in Source Leicestershire and on the Council's Web Site if the estimated value of the contract exceeds £25,000;
- For goods and services estimated to cost over £5,000 and up to £75,000 the relevant Head of Service must obtain written quotations;
- For goods and services estimated to cost over £25,000 and up to £75,000 written quotations must be returned to and opened by the Contract Compliance Officer;
- Full tendering requirements, including compliance with relevant EU procurement directives, apply to goods and services estimated to cost over £75,000;
- For goods and services estimated to be below £500,000 in value which do not exceed the approved budget for the scheme or supplies in question, decisions on the

awarding of contracts are made by the Chief Executive or his/her nominee;

- For goods and services of £500,000 in value or more or where the approved budget would be exceeded, decisions on the selection of contractors are reserved to Cabinet;
- Contracts below £50,000 in value can be signed by the Chief Executive, Strategic Directors and Heads of Service;
- Contracts of £50,000 in value or more must be signed by the Chief Executive or his/her nominee.

For the purposes of The Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001, any contract with a value exceeding ~~£50,000~~ **£50,001** entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the Council or made under the Common Seal of the Council.

(e) 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~~

Except in the case of:

- **staffing decisions delegated to the Head of Paid Service which result in redundancy or salary protection costs**
- **other expenditure as may be identified by the Head of Paid Service up to a maximum of £50,000 in accordance with guidelines for use of the Reinvestment Reserve**

Cabinet approval is required for the use of the Reinvestment Reserve.

(m) Capital Strategy and Treasury Management

The Council prepares and maintains, as the cornerstones for effective management of capital expenditure and funding and treasury management, a Capital Strategy, a Treasury Management Statement, an Annual Investment Strategy and Minimum Revenue Provision Policy which are all approved by Council in advance of the financial year to which they relate each year and progress against them is monitored on a regular basis by Council.

~~The Audit Committee is responsible for ensuring effective scrutiny of the capital strategy and treasury management strategy and policies.~~

The Audit Committee is responsible for ensuring effective scrutiny of the capital strategy and treasury management strategy and policies and is required to provide comments to Council in advance of Council being asked to approve new or amended versions of these documents.

The detailed operational procedures are covered by the Treasury Management Practices document. The Section 151 Officer is the responsible officer for reviewing and maintaining the detailed operational procedures for Treasury Management.

Item 4 - Delegation to the Head of Planning and Regeneration

Development Control

1. To determine all planning applications and applications for advertisement consent, listed building consent, conservation area consent and consent to carry out works to protected trees, except where:

- (i) ~~the application is contrary to the provisions of an approved or draft or submitted Development Plan policy or Supplementary Planning Guidance and is recommended for permission;~~

the application is contrary to the provisions of the Development Plan and is recommended for permission

- (i) ~~in the opinion of the Head of Planning and Regeneration, the application is potentially controversial or likely to be of significant public interest or would have a significant impact on the environment;~~

in the opinion of the Head of Planning and Regeneration, the application is controversial or likely to be of significant public interest or would have a significant impact on the environment;

- (iii) the application is submitted by or on behalf of the Council for its own development, except for the approval of development which in the opinion of the Head of Planning and Regeneration is not of major impact and to which no objections have been received;
- (iv) the ward councillor(s) have made a valid request that the application should be referred to the Plans Committee for

determination in accordance with the call-in procedure set out in section 12.12 of the Constitution¹;

- (v) the application is submitted by a serving member of the Council, or a serving officer.
- (vi) ~~an application is received to remove or vary a condition or to vary a Section 106 Agreement and the planning permission for the development was granted by the Plans Committee and, following consultation with the Chair and Vice-chair of the Plans Committee and relevant ward councillors, the Head of Planning and Regeneration is of the opinion that the variation is non-minor or non-technical.~~

an application is received to remove or vary a planning condition or to vary a s106 legal agreement and the planning permission for the development was granted by the Plans Committee and, following consultation with the Chair and Vice Chair of the Plans Committee and relevant ward councillors, the Head of Planning and Regeneration is of the opinion that the variation is minor and non-technical

2. Subject to the provisions of 1(vi) above, to agree non-material amendments and minor material amendments to planning permissions where no demonstrable harm would be caused to an interest of acknowledged importance.

To respond to requests for information from the Planning Inspectorate following notification of the start of an appeal against non-determination and, in consultation with the Chair and Vice Chair of Plans Committee, to provide the local planning authority's view as to how it would have determined the planning application had it had the opportunity to do so

3. To determine applications for certificates of lawfulness for proposed or existing uses or development.
4. To approve details submitted in compliance with conditions and planning obligations on planning permissions.

5. Rights of entry:
 - (i) to initiate a proposal under Sections 196A and 324 of the Town and Country Planning Act 1990 (rights of entry);

¹ Applications received on or before 30th June 2016 will follow the previous ward referral procedure.

- (ii) to appoint officers to enter premises for the purpose of inspection in connection with (i) above;
- (iii) to serve notices of intention to enter premises for the purpose of inspection in accordance with Sections 196A and 325 of the 1990 Act;
- (iv) to apply for warrants authorising entry under Section 196B of the 1990 Act.

To finally dispose of a planning application and remove them from the planning register under Article 40(3) and (13) the Town and Country Planning (Development Management Procedure) (England) Order 2015

- 6. To serve requisitions for information under Section 330 of the Town and Country Planning Act 1990.
- 7. To serve planning contravention notices under Section 171C of the Town and Country Planning Act 1990.
- 8. To serve breach of condition notices.
- 9. To take formal enforcement action in relation to cases of unauthorised development not covered by other specific delegated authority except where the details of an intended delegated decision on any recommendation to take enforcement action have been circulated to the ward councillor(s) concerned (or in the case of single-member wards, to another councillor nominated by the ward councillor) and by 5 pm on the second working day following the details being circulated, a councillor who has been consulted has advised the Head of Planning and Regeneration, via e-mail or in writing and giving relevant planning reason(s), that the matter should be referred to the Plans Committee for determination.

To withdraw an enforcement notice

To determine cases where it is not considered expedient to take formal enforcement action in relation to cases of unauthorised development where such development does not result in a significant loss of amenity and does not have a significant impact on the character and appearance of the area.

- 10. Subject to prior consultation with the appropriate ward councillor(s) (or in the case of single-member wards, with another councillor nominated by the ward councillor), to determine cases where it is not considered expedient to take formal enforcement action in relation to cases of unauthorised development where such development is in accordance with planning policies or standards, does not result in a significant loss of amenity to local residents and does not have a significant impact on the character and appearance of the area.
- 11. To take action under Section 224 of the Town and Country Planning Act 1990 and the Town and Country (Control of Advertisement) Regulations in respect of unauthorised advertisements.

12. To remove or obliterate posters under Section 225 of the Town and Country Planning Act 1990.
13. To determine whether an Environmental Impact Assessment is required to accompany a planning application, and the matters to be covered in the assessment.
14. To respond to notifications and applications for determinations under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and any subsequent revisions to the Order.
15. To serve notices under section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land.
16. To respond to consultations by or on behalf of government departments, electricity undertakings and other local authorities about development proposals.
17. To make representations in respect of proposals for the installation of Cable TV apparatus in conservation areas or in the proximity of listed buildings and responding to any subsequent consultation by the Secretary of State for Trade and Industry.
18. To impose conditions relating to the installation of Cable TV apparatus and opposing the installation of flown lines or poles in areas of the Borough not covered in 19. above.
19. To negotiate the heads of terms of section 106 agreements.
20. To decline to determine planning applications under section 70(a) of the Town and Country Planning Act 1990.
21. To submit an order to the Secretary of State for revocation of a Hazardous Substances Consent in circumstances where there are no objections from the Health & Safety Executive or site operator.
22. To serve completion notices under section 94 of the Town and Country Planning Act 1990.
23. To serve orders under section 102 of the Town and Country Planning Act 1990 requiring the discontinuance of a use of land.
24. To serve building preservation notices under section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in consultation with the Chair of the Plans Committee.
25. To serve repairs notices on listed buildings under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. To execute urgent works under section 54 and determine the extent of urgent works under section 9(3) of the Planning (Listed Buildings and buildings in Conservation Areas) Act 1990.
27. To determine, in areas where no Town/Parish Council or Meeting exists, whether a community group is properly constituted, and a representative of that group is therefore able to address the Plans Committee in accordance with the Plans Committee Procedures and to establish criteria for that determination.
28. To determine applications for the discharge of planning conditions.

Conservation and Trees

29. To make, confirm where there are no objections, and revoke tree preservation orders in consultation with the Chair of the Plans Committee and relevant Ward Councillors.
30. To issue Article 5 certificates for protected trees.
31. To serve hedgerow retention and hedgerow replacement notices in consultation with the Chair of the Plans Committee.
32. To respond to notices of intention to carry out works to trees in conservation areas.

High Hedges

33. To determine complaints received under the provisions of the High Hedges Regulations 2005, specify remedial action required to resolve complaints received under the High Hedges Regulations 2005, specify remedial action to resolve the complaints in accordance with the national guidance and initiate enforcement action as necessary, except where the high hedge complaint relates to:
 - (i) the Council's own land;
 - (ii) land is occupied by a councillor or Council employee; or
 - (iii) where the complainant is a councillor or Council employee.

Footpaths

34. To make and, where no objections are received, confirm footpath diversion orders.

Other

35. To make amendments to the Climate Change Strategy in response to future legislative changes or changes at local or regional level in consultation with the relevant Lead Member.

Item 5 - Delegation to the Head of Strategic and Private Sector Housing

1. To undertake all licensing activities under the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 2013.
2. **To undertake all licensing activities for moveable dwellings and camping sites under the Public Health Act 1936**
3. To agree appropriate fee discounts for accredited sites and to amend the Park Homes Fees Policy accordingly, in consultation with the Chair of the Licensing Committee.
4. 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
- d. **Works relating to unoccupied buildings under Sections 29-32 of the Local Government (Miscellaneous Provisions) Act 1982**
- e. **Section 76 of the Building Act 1984 (defective premises)**

Item 6 - Minor word and spelling changes

Chapter 11: Meeting Procedures

11.5 Chairs and vice chairs of scrutiny bodies

(b) Resignation of chair of or vice chair

If a Councillor wants to resign as chair or vice chair, they must write to the Head of Strategic Support. A new chair or vice chair will be appointed at the next appropriate meeting.