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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 in the Victoria Room, Loughborough Town Hall on Monday, 6th November 2023 at 6.30 pm for the following business.



Chief Executive

Southfields
Loughborough

27th October 2023

AGENDA

1. APOLOGIES
2. DISCLOSURES OF PECUNIARY INTERESTS AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

For information, disclosable pecuniary interests and registrable interests relate to entries that are included, or should be included, on a councillor's register of interests. Non-registrable interests relate to any other matters.

3. MINUTES OF THE PREVIOUS MEETING 5 - 14

To confirm the minutes of the Council meeting held on 4th September 2023.

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. CHANGES TO THE CONSTITUTION

15 - 43

A report of the Cabinet to consider recommendations of the Cabinet in respect of changes to the Constitution relating to procedures for dealing with planning applications and other planning matters, and to the composition of the Audit Committee.

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

No requests for position statements were received.

9. MOTIONS ON NOTICE

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

9.1. DECLARATION OF A CLIMATE EMERGENCY

44

Motion submitted by Councillor Jones.

10. QUESTIONS ON NOTICE

To deal with the following questions on notice, submitted under Full Council

Procedure 9.9(a):

10.1. DEVELOPMENT CONTROL

Question submitted by Councillor Hadji-Nikolaou.

10.2. LOUGHBOROUGH TOWN DEAL PROJECTS AND UK SHARED PROSPERITY PROJECTS

Question submitted by Councillor Bokor.

10.3. BUDGET STRATEGY

Question submitted by Councillor Baines.

10.4. PROMOTING RENEWABLE ENERGY

Question submitted by Councillor Bokor.

10.5. SOCIAL HOUSING DECARBONISATION FUND

Question submitted by Councillor Needham.

10.6. PLANNING MATTERS

Question submitted by Councillor D Taylor.

10.7. BUDGET SCRUTINY PANEL

Question submitted by Councillor D Taylor.

10.8. COST OF LIVING

Question submitted by Councillor Bottomley.

10.9. FLOODING

Question submitted by Councillor Haynes.

11. MINUTE REFERENCES

There are no minute references.

12. URGENT EXECUTIVE DECISIONS EXEMPTED FROM CALL-IN

There are no urgent decisions taken by Cabinet or urgent key decisions taken by an officer under delegated powers that were exempted from call-in in accordance with Scrutiny Committee Procedure 11.9.

13. CHANGES TO THE DELEGATION OF EXECUTIVE FUNCTIONS

There are no changes to the delegation of Executive functions.

14. APPOINTMENTS TO COMMITTEES

To consider any changes to Committee membership for the current Council year (2023/24) (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, 15th January 2024	Wednesday, 3rd January 2024 at noon
Monday, 26th February 2024	Wednesday, 14th February 2024 at noon
Monday, 22nd April 2024	Wednesday, 10th April 2024 at noon
Monday, 13th May 2024	Wednesday, 1st May 2024 at noon

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
HELD IN
VICTORIA ROOM, LOUGHBOROUGH TOWN HALL
ON 4TH SEPTEMBER 2023**

PRESENT

The Mayor (Councillor Smidowicz)
The Deputy Mayor (Councillor Bradshaw)

Councillor Baines	Councillor Jones
Councillor Blackshaw	Councillor Knight
Councillor Bokor	Councillor Lawrence
Councillor Bottomley	Councillor Lennie
Councillor Braker	Councillor Lowe
Councillor Campsall	Councillor Matthews
Councillor Charles	Councillor Maynard
Councillor Cory-Lowsley	Councillor Miah
Councillor Dent	Councillor Monk
Councillor Forde	Councillor Needham
Councillor C. Forrest	Councillor Northage
Councillor S. Forrest	Councillor O'Neill
Councillor Fox	Councillor Palmer
Councillor Fryer	Councillor Rattray
Councillor Goode	Councillor Roberts
Councillor A. Gray	Councillor Snartt
Councillor B. Gray	Councillor D. Taylor
Councillor Hamilton	Councillor N. Taylor
Councillor Harper-Davies	Councillor Tillotson
Councillor Haynes	Councillor Westley
Councillor Jackson	Councillor Woodward
Councillor Jadeja	Councillor Worrall

Honorary Alderman Day

39. APOLOGIES

Apologies for absence had been received from Councillors Ashcroft, Brookes, Hadji-Nikolaou, Infield, Popley and Seaton.

Apologies for absence had also been received from Honorary Aldermen Bush, Shields, Stott and Tormey.

40. DISCLOSURES OF PECUNIARY INTERESTS AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

The following disclosures of pecuniary and personal interests were made:

- i. By Councillor Bradshaw, a non-registrable interest in item 9.1 (Motion on Notice – Leicestershire Pension Fund Fossil Fuel Investment), as she has a deferred benefit in the Leicestershire Pension Fund.
- ii. By Councillor Jadeja, a non-registrable interest in item 9.1 (Motion on Notice – Leicestershire Pension Fund Fossil Fuel Investment), as she has a small historical pension with Leicestershire County Council.
- iii. By Councillor Lawrence, a non-registrable interest in item 9.1 (Motion on Notice – Leicestershire Pension Fund Fossil Fuel Investment), as a member and beneficiary of the Leicestershire Local Government Pension Scheme.
- iv. By Councillor Miah, a non-registrable interest in item 9.1 (Motion on Notice – Leicestershire Pension Fund Fossil Fuel Investment), as a member of Leicestershire County Council Pension Scheme (deferred).
- v. By Councillor Roberts, a non-registrable interest in item 9.1 (Motion on Notice – Leicestershire Pension Fund Fossil Fuel Investment), as a member of the Leicestershire County Council Pension Scheme.
- vi. By Councillor Smidowicz, a non-registrable interest in item 9.1 (Motion on Notice – Leicestershire Pension Fund Fossil Fuel Investment), as a beneficiary of the Leicestershire Pension Scheme.
- vii. By Councillor D Taylor, a registrable interest in item 9.1 (Motion on Notice – Leicestershire Pension Fund Fossil Fuel Investment), as a member of Leicestershire County Council.
- viii. By Councillor D Taylor, a non-registrable interest in item 9.1 (Motion on Notice – Leicestershire Pension Fund Fossil Fuel Investment), as her spouse was in receipt of a Leicestershire County Council pension.
- ix. By Councillor Tillotson, a non-registrable interest in item 9.1 (Motion on Notice – Leicestershire Pension Fund Fossil Fuel Investment), as a recipient of a Leicestershire County Council pension.
- x. By Councillor Woodward, a non-registrable interest in item 9.1 (Motion on Notice – Leicestershire Pension Fund Fossil Fuel Investment), as she has a Leicestershire County Council pension.

41. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of Council held on 19th June 2023 were confirmed and signed.

42. ANNOUNCEMENTS

43. MAYOR'S ANNOUNCEMENTS

The Mayor made the following announcements.

Adrian Ward – Head of Governance & HR

After 16 years at Charnwood Borough Council (and 13 years as the Monitoring Officer) I wish to say a heartfelt thank you to Adrian Ward who has recently accepted a position with another local authority. Adrian is due to finish early November, and so this will be his last Council meeting at Charnwood. On behalf of the Council, we all wish you well in your new role.

Bell Festival -10 September

There is a festival on 10th September to commemorate Loughborough's long history with bells. The festival will focus on a 7 ft tall willow bell which represents Great Paul, the largest bell ever cast in Britain. This was made by Taylor's Bell Foundry in Loughborough and delivered to St Paul's Cathedral in 1882 and taken to London on a trailer pulled by a steam engine.

Our willow bell will be blessed at All Saints Church at 1.30 pm and will leave the churchyard to a peal of bells at approx. 2 pm. The procession will make its way to Granby Street, at approximately 2.30 pm.

44. LEADER'S ANNOUNCEMENTS

There were no Leader's announcements.

45. CHIEF EXECUTIVE'S ANNOUNCEMENTS

The Chief Executive made no announcements.

46. PETITIONS

No petitions were submitted.

47. BUSINESS RESERVED TO COUNCIL

47.1 CAPITAL PLAN OUTTURN REPORT (2022/23)

A report of the Cabinet to consider recommendations of the Cabinet in respect of expenditure on the Capital Plan for the year 2022/23, the schemes that required carry forward of budget to 2023/24 and the financing of the Capital Plan, was submitted (item 6.1 on the agenda filed with these minutes).

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

RESOLVED

1. That the outturn position for 2022/23 and that slippage of capital budgets totalling £9,755,421 being General Fund £6,080,121 and Housing Revenue Account £3,675,300 be carried forward into 2023/24 and added to the Capital Plan;

2. That the financing of the Plan set out in Table 2 to the report.

Reasons

1. To enable projects to be completed.
2. To indicate how the Plan is to be financed.

47.2 PROCUREMENT OF A VOID REPAIRS CONTRACTOR

A report of the Cabinet to consider a recommendation of the Cabinet in respect of the procurement of an additional contractor to work on void properties (HRA revenue budget increase), was submitted (item 6.2 on the agenda filed with these minutes).

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

RESOLVED that the HRA revenue budgets be increased by £858.1k on an ongoing basis to fund the estimated cost of the works delivered through the void repairs contract and the officer resource needed to support the effective management of the contract and void repairs generally.

Reason

To provide sufficient budget to meet the estimated cost of works delivered through the void repairs contract, and to provide an appropriate level of resource to support effective contract management and clearance of a backlog of voids and re-let properties faster.

47.3 APPOINTMENT OF INDEPENDENT REMUNERATION PANEL (IRP) MEMBER

A report of the Monitoring Officer to appoint a new representative to the Independent Remuneration Panel for a four year term of office, was submitted (item 6.3 on the agenda filed with these minutes).

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

RESOLVED that Mr Elliot Harris be appointed to the Independent Remuneration Panel until the end of the 2026/27 civic year.

Reason

To fill a vacancy on the Independent Remuneration Panel.

47.4 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO) REVIEW LETTER 2022/23 AND HOUSING OMBUDSMAN SCHEME COMPLAINTS

A report of the Monitoring Officer to make Members aware of the Local Government & Social Care Ombudsman's (LGSCO) review letter for 2022/23 and six cases of complaints that 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, was submitted (item 6.4 on the agenda filed with these minutes).

It was proposed by Councillor Hamilton, seconded by Councillor Blackshaw, and

RESOLVED that the Local Government & Social Care Ombudsman's appended review letter for 2022/23, and the summary of 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.

47.5 POLLING PLACES REVIEW

A report of the Chief Executive to present a proposal to undertake a formal review of polling districts, polling places and polling stations within the Borough as required under the Electoral Registration & Administration Act 2013, was submitted (item 6.5 on the agenda filed with these minutes).

It was proposed by Councillor Jones, seconded by Councillor Bokor, and

RESOLVED that a review of polling districts, polling places and polling stations within the Borough be undertaken to commence in October 2023, with final proposals being reported for approval at the January 2024 Council meeting.

Reason

To comply with the requirements of the Electoral Registration & Administration Act 2013.

47.6 ANNUAL SCRUTINY REPORT 2022/23

A report of the Scrutiny Commission to consider the Annual Scrutiny Report 2022-23 was submitted (item 6.6 on the agenda filed with these minutes).

It was proposed by Councillor Needham, seconded by Councillor Maynard, and

RESOLVED that the work of scrutiny during 2022-23, as set out in the Annual Scrutiny Report 2022-23 attached as an Annex to this report, be noted.

Reason

To report annually to Council on the workings of scrutiny bodies and the operation of the scrutiny function generally, in accordance with Scrutiny Committee Procedure 6.3(e) of the Council's Constitution.

48. CALL-IN REFERENCES

There were no call-in references from Scrutiny.

49. POSITION STATEMENTS

No position statements had been requested.

50. MOTIONS ON NOTICE

50.1 LEICESTERSHIRE PENSION FUND FOSSIL FUEL INVESTMENTS

A Motion on Notice regarding Leicestershire Pension Fund Fossil Fuel Investments was submitted by Councillor Lawrence (item 9.1 on the agenda filed with these minutes).

In proposing the motion, Councillor Lawrence highlighted that the motion had been amended slightly, following advice from the Monitoring Officer. He confirmed that the amended version of the motion required the funds officers at Leicestershire County Council to calculate and publish the carbon footprint of the investments made in fossil fuels as part of the pensions fund. A copy of the amended Motion on Notice was circulated at the meeting for Councillors to read.

He went on to state that in 2022-23, the Council had made more than £1.7m employer pension contributions to the Leicestershire pensions fund. He recognised that the Council was committed to reducing the carbon footprint of internal operations and that by 2023, the Council hoped to be net zero on carbon emissions.

Councillor Lawrence stated that in March 2021, the pension fund's investments in companies associated with fossil fuels was estimated to be more than £154m and said that he believed as the Council's pension contributions towards the fund were significant, these fossil fuel investments should be included in the Council's carbon footprint calculations.

In order for the world to meet the UN Paris Agreement commitments to limit the global temperature increase to under 2 degrees, scientists believe that the switch from fossil fuels to renewable energy should be accelerated. He stated that some energy companies were opening up new fossil fuel reserves.

Councillor Lawrence stated that there was a significant financial risk to the future sustainability of pension funds. He said that some leading financial investment

managers were advising divestment from fossil fuel companies, and investments in renewable energy. Councillor Lawrence said that this would ensure the Leicestershire Pensions Fund met its duty to earn sufficient returns on their investments to ensure pension benefits could be paid.

He concluded by stating that without divestment from fossil fuels, the investments of the pension fund associated with fossil fuels could become worthless, resulting in a shortfall of investment returns, and this may require the Council to increase its employer contributions. He said he believed the pension fund's continued investment in fossil fuels had an environmental impact which contributes to the carbon footprint of the Council and could prevent the Council in achieving its aim of becoming net zero by 2030. He asked for the Leicestershire pension fund to publicly commit to divest from fossil fuel companies by 2027.

Councillor Baines stated that the Council was concerned about the carbon footprint of the Council and as a result, produced the carbon neutral 2030 plan. The plan was focussed on reducing emissions of the Council's buildings and transport and adopting carbon positive activities, such as planting trees and investing in renewable energy. All of the actions in the plan were within the Council's direct control. He highlighted that the Leicestershire pensions fund was independent of the Council and had its own expert investment managers making decisions about where money is best invested to provide customers with the best possible return.

Councillor Baines stated that 3.7% of the total fund was invested in fossil fuel companies and that this number had been reduced significantly over time. He also highlighted that the companies associated with fossil fuels were diversifying away from fossil fuels.

He said he recognised that residents were interested in the Council's plan to mitigate climate change and that a full assessment of the Council's activities was necessary and that an acceleration of the Council's actions to mitigate climate change was needed.

Councillor Westley said that he was concerned by the motion. He highlighted that a similar motion was proposed and rejected less than a year ago and that less than six months ago, trustees of the fund consulted with pension scheme members and put in place a climate strategy, addressing many of the issues raised. He said repeating the motion showed disregard to the Council and the members of the pension fund.

Councillor Westley went on to say that there was no evidence that divestment was successful. He said that the shares divested would be bought by others who may not be concerned with climate change. He said that divesting meant a loss in influence and suggested that a better alternative to the motion was to trust investment managers to engage with companies and ask them to behave more responsibly.

He also stated that whilst the investments in fossil fuels may become worthless over time, they may not. He said that investment returns in companies associated with fossil fuels had increased in recent years. He went on to say that it was not possible to consistently choose successful investments, and that successful investment was about diversifying. He said the fund was diversified enough to accept risks and

investment warnings. He finished by saying that the Council should allow the investment managers to do their job.

Councillor Snartt stated that the fund's recognition of climate risks started a long time ago and that investment in green infrastructure had started several years ago. There had been a sizable investment in the Local Government Pensions Scheme Central Climate Balance Fund in December 2020. This initiative aimed to give more exposure to companies with green revenues and to reduce exposure to companies with higher carbon emissions. This investment amounted to £750m and employed investment managers that aligned to their strong social and environmental policies. Councillor Snartt stated that this clearly indicated that the fund recognised that climate change was a risk and that he was pleased to see that steps had already been taken to move away from companies with carbon emissions and fossil fuel reserves.

Councillor Snartt said he would rather debate about what the Council was doing to lower carbon emissions themselves for the benefit of residents, as the Council did have control over this.

Councillor Snartt finished by stating that the fund officers had ascertained that the value of the total amount of investment made in fossil fuel companies had been overstated in the motion and invited the mover of the motion to comment on this.

Councillor Haynes stated that he avoided investments that did not align with his morals, and that he believed that the Leicestershire pensions fund should take the same approach. Councillor Haynes referred to the fires across the northern hemisphere over the summer and stated that this was due to climate change and the use of fossil fuels. The Leicestershire pension scheme consulted members on the draft climate strategy in July 2022, and many members had indicated that they favoured divestment from fossil fuel companies.

Councillor Haynes finished by saying that pensions were about preparing for the future financially but that climate change would have a devastating impact on the economy in the future. He said that the fossil fuel industry was dying and that investing in a declining industry was not prudent. He said that the future was in renewable energy.

Councillor Anne Gray said that she agreed that the Council needed to work hard to become carbon neutral by 2030. She said that the Council was simply asking the pensions fund to divest. She recognised that there was a risk that shares in fossil fuel companies may become worthless in the future and that divestment from fossil fuel companies doesn't always work. Councillor Gray finished by highlighting that this was a moral issue as well as a financial issue, and that some funds divested shares in Russian companies following the outbreak of the war in Ukraine.

Councillor Miah advised that a similar motion was rejected last year and that it was before the May 2023 elections. He said that the direction of travel is away from fossil fuels and that younger generations are concerned about the environment. He felt that the motion was a form of reassurance that the Council was asking for changes to be made. He highlighted that there was a lot of money invested in fossil fuels as part of the pension scheme (£151m) and that the money could be spent on renewable energy.

Councillor Matthews stated that he felt it was not appropriate for the Council to dictate what the pension fund was invested in.

In seconding the motion, Councillor Jones stated that the issues raised regarding climate change affected the entire planet. She said she felt that divestment was a small act that would send a significant message that public money should not be used to support industries that harm the environment. She said that she hoped that this act would inspire others to do the same.

She reiterated the point that investors divested from Russian companies last year, and those that did not were left with stranded assets. There was evidence to suggest that the pension fund performance would not be negatively affected by divestment, and that it would be more resilient in the long term.

She said that she believed the issue was serious and was above party politics and that there was more work planned that would support the Council in its net zero by 2030 aims.

Councillor Lawrence summed up by thanking members for their comments. He stated that there were two voting members representing Charnwood Borough Council on the Leicestershire Pensions Fund Committee, and so it was appropriate for the Council to express their views. He went on to say that there was a responsibility to ensure members of the scheme that financially prudent decisions were being made.

Following a vote, the motion was passed and it was confirmed that the Chief Executive would write to the Leicestershire Pensions Fund to inform them of the Council's decision.

51. QUESTIONS ON NOTICE

The questions on notice and the responses of the Leader or his nominee were submitted (item 10 on the agenda filed with these minutes).

52. FLY TIPPING FINES

Councillor Rattray did not wish to ask a supplementary question.

53. WINSTON OAK, COSSINGTON

Councillor Woodward stated that the petition reference in her original question now had 58,000 signatures. She said there was hope that planners and developers looked at alternative options, avoiding the felling of the oak.

Councillor Jadeja stated that a response and explanation had been provided.

54. MINUTE REFERENCES

There were no minute references.

55. URGENT EXECUTIVE DECISIONS EXEMPTED FROM CALL-IN

A report of the Chief Executive to note decisions which were exempted from call-in in accordance with Scrutiny Committee Procedure 11.9, was submitted (item 12 on the agenda filed with these minutes).

56. CHANGES TO THE DELEGATION OF EXECUTIVE FUNCTIONS

A report of the Chief Executive to inform Council of changes to the delegation of Executive functions to the Director of Commercial and Economic Development and the Head of Property and Assets, was submitted (item 13 on the agenda filed with these minutes).

57. APPOINTMENTS TO COMMITTEES

It was proposed by Councillor Miah, seconded by Councillor S Forrest, and

RESOLVED that Councillor Lennie be appointed to the Audit Committee.

Reason

To fill a Labour vacancy on the Audit Committee.

Note:

These minutes are subject to confirmation as a correct record at the next meeting of the Council which is scheduled for Monday 6th November 2023.

COUNCIL - MONDAY, 6 NOVEMBER 2023

Report of the Cabinet

CHANGES TO THE CONSTITUTION

Purpose of Report

To consider recommendations of the Cabinet in respect of changes to the Constitution relating to procedures for dealing with planning applications and other planning matters, and to the composition of the Audit Committee.

Recommendations

1. that the changes to the Constitution set out in Appendix A to the Cabinet report (attached as an Annex and revised in Appendix A to include an amendment agreed by Cabinet) be made with effect from 1st December 2023 and that the Monitoring Officer be given delegated authority to make any further consequential changes that arise elsewhere in the Constitution;
2. that the composition of the Audit Committee, set out in section 12.3 of the Constitution, be changed from one independent person to two independent members of the Audit Committee.

Reasons

1. To implement improvements to procedures for dealing with planning applications and other planning matters following an independent service review.
2. To enable the authority to meet the best practice set down by CIPFA the constitution of the authority needs to be amended to enable the committee to appoint two co-opted independent members.

Policy Justification and Previous Decisions

At its meeting on 12th October 2023, the Cabinet considered a report of the Head of Planning and Growth and the Head of Governance and Human Resources to consider changes to the Constitution relating to procedures for dealing with planning applications and other planning matters, and to the composition of the Audit Committee. That report is attached as an Annex and sets out policy justification in respect of the matter. The report is revised in Appendix A to include an amendment agreed by Cabinet (amendment detailed below).

The following extract from the Cabinet minutes details the Cabinet's consideration of the matter:

“37. CHANGES TO THE CONSTITUTION

Considered, a report of the Head of Planning and Growth and the Head of Governance and Human Resources to consider changes to the Constitution relating to procedures for dealing with planning applications and other planning matters, and to the

composition of the Audit Committee, for recommendation to Council (item 8 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).

RESOLVED

1. that it **be recommended to Council** that the changes to the Constitution set out in Appendix A to the report be made with effect from 1st December 2023 and that the Monitoring Officer be given delegated authority to make any further consequential changes that arise elsewhere in the Constitution, subject to the following amendment to Appendix A (shown underlined):

II. Delegation of Council Functions to the Head of Planning and Growth

Proposed new paragraph "To determine planning applications with a resolution from the Plans Committee to grant planning permission subject to S106 legal agreement where that legal agreement has not been signed by a date specified in a committee resolution or date otherwise agreed with the applicant, in consultation with the Chair of Plans Committee."

2. that it **be recommended to Council** that the composition of the Audit Committee, set out in section 12.3 of the Constitution, be changed from one independent person to two independent members of the Audit Committee.

Reasons

1. To implement improvements to procedures for dealing with planning applications and other planning matters following an independent service review.
2. To enable the authority to meet the best practice set down by CIPFA the constitution of the authority needs to be amended to enable the committee to appoint two co-opted independent members."

Implementation Timetable including Future Decisions and Scrutiny

It is proposed that changes agreed by Council take effect from 1st December 2023. The Scrutiny Commission undertook pre-decision scrutiny of the Cabinet report at its meeting on 9th October 2023.

Report Implications

All detailed in the Cabinet report, attached as an Annex.

Key Decision: No

Background Papers: None additional to those listed in Cabinet Report

Officer to Contact:

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Head of Planning and Growth
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Karen Widdowson
Democratic Services Manager
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CABINET - THURSDAY, 12 OCTOBER 2023**Report of the Head of Planning and Growth and the Head of Governance and Human Resources****Lead Members: Executive Member for Planning and Executive Member for Finance, Customer & Support Services, Revenues and Benefits****Part A**CHANGES TO THE CONSTITUTIONPurpose of Report

To propose changes to the Constitution relating to procedures for dealing with planning applications and other planning matters, and to the composition of the Audit Committee.

Recommendations

1. That it be recommended to Council that the changes to the Constitution set out in Appendix A to this report be made with effect from 1st December 2023 and that the Monitoring Officer be given delegated authority to make any further consequential changes that arise elsewhere in the Constitution.
2. That it be recommended to Council that the composition of the Audit Committee, set out in section 12.3 of the Constitution, be changed from one independent person to two independent members of the Audit Committee.

Reasons

1. To implement improvements to procedures for dealing with planning applications and other planning matters following an independent service review.
2. To enable the authority to meet the best practice set down by CIPFA the constitution of the authority needs to be amended to enable the committee to appoint two co-opted independent members.

Policy Justification and Previous Decisions

The Council's Corporate Strategy sets out that the Council will continue to seek to improve services for customers and run the Council more efficiently. The ability to provide a more efficient planning service will also support the delivery of the Corporate Strategy's objective to support and foster strong economic growth in Charnwood.

CIPFA have updated their Position Statement to promote best practice and provide clear guidance for local authorities to maximise the effectiveness of their Audit Committees. The guidance is not legislative but CIPFA expects that all local

government bodies should make their best efforts to adopt the principles, aiming for effective audit committee arrangements.

The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Constitution is reviewed regularly to ensure that it continues to fulfil those purposes.

Implementation Timetable including Future Decisions

It is proposed that the changes to the Constitution affecting the procedures for dealing with planning applications and other planning matters should be implemented from 1st December 2023.

The process for the recruitment of an additional independent member to the Audit Committee will commence once Council have approved the change to the constitution at its meeting on 6th November 2023.

There is an annual process for reviewing the Constitution and the next scheduled review is scheduled for 22nd April 2023.

Report Implications

Financial Implications

There are no direct financial implications arising from this report. Co-opted independent members do not receive an allowance but are entitled to claim for reasonable travelling and subsistence expenses in undertaking their role. The rationale behind the changes to the procedures for dealing with planning applications and other planning matters is to improve efficiency.

Risk Management

There are no specific risks associated with this decision.

Equality and Diversity

None identified.

Climate Change and Carbon Impact

None identified.

Crime and Disorder

None identified.

Wards Affected

All Wards.

Publicity Arrangements

Not applicable.

Consultations

Not applicable.

Links to the Corporate Strategy

Caring for the Environment	No
Healthy Communities	No
A Thriving Economy	Yes
Your Council	Yes

Key Decision: No

Background Papers: Report by Planning Officers Society Enterprises:
Charnwood Borough Council – Review of
Democratic Interface (June 2023)
POSE Review Action Plan - September 2023

Officers to contact: Richard Bennett
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Richard.Bennett@charnwood.gov.uk

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Part B

Review of Development Management Processes

1. The Development Management team within the Planning and Growth Service is continually looking to make improvements that produce efficiencies and benefits for customers. This is particularly important given the high volume of work in the service and the recruitment and retention issues that have affected the service in recent times. Most recently this process of review was initiated by the Council's Customer Experience Team linked to the implementation of a new back office IT system. While that review was unable to identify any improvements that could be implemented at that time, it did conclude that there could be potential for business efficiencies in the interface between development management processes, councillors and the Plans Committee. Planning Officers Society Enterprises (POSe) were, therefore, commissioned in February 2023 to undertake an independent review of the way in which elected members are currently engaged in the decision-making process and to consider this in the light of national best practice and the Council's desire to find efficiencies.
2. A particular context for the review was the Government's proposals to change the performance management regime for handling planning applications. Current performance is better than average but very heavily reliant on Extensions of Time, the use of which would be restricted in the Government's proposals.
3. POSe used a comprehensive method that involved interviews with officers and councillors, review of decisions, analysis of performance at the Council and elsewhere and observation of a Plans Committee meeting and the briefings and site visits that took place prior to it. The review "found a Service working towards improvement, and many well-motivated and competent officers committed to providing a good service to the public. The staff and members generally enjoyed good working relationships but there were improvements which could be made which would improve the service to the customer without impinging on the democratic involvement." In particular, the review identified that the "procedures for member call-ins of both applications and enforcement cases involved overly protracted and bureaucratic procedures which the Review Team recommend could be revised to improve both efficiency and effectiveness without losing member involvement."

Recommendations, Action Plan and Consultation

4. The report presented 14 recommendations, the first of which was that officers prepare an action plan, in consultation with officers and councillors, to implement the improvements that had been identified.
5. A number of the recommendations relate to operational matters and these are in the process of being implemented by officers. These relate to:
 - Improving performance monitoring so that the most appropriate indicators are measured and reported to the relevant individuals and groups, including to the Plans Committee. And to ensure that a new

monitoring framework is created for 2024/25 that reflects the incoming statutory indicator set when this is announced

- Reviewing the workload and job descriptions of senior officers so that it involves an appropriate balance of managerial and operational responsibilities.
- Improving the efficiency of the processes for validating and registering planning applications.
- Introducing a process and targets for reducing the reliance on Extensions of Time to reduce the length of time to determine planning applications
- Using templates to improve the efficiency and consistency of reports for items determined under delegated powers to officers.
- Identifying the key issues affecting the recruitment and retention of permanent staff within the service.
- The consideration of alternative venues for the Plans Committee and/or provide for live webcasting of meetings
- Improve the protocol for site visits and consideration of drone footage to illustrate sites
- The issue of customer satisfaction surveys

6. The action plan identifies that some of the improvements require amendments to the Constitution to bring them into effect. These have been the subject of discussion with councillors through member briefings on 26th July and 7th September. These proposed changes are explained in the following section of the report.

7. Some of the recommendations in the POSE report are not proposed to be taken forward following their review by officers and discussion with councillors. One of the recommendations was that the current arrangements for objections to Tree Preservation Orders being considered by the Appeals and Reviews Committee were unusual and should be reviewed and the function being added to the responsibilities of the Plans Committee should be considered. Following consultation with officers and councillors it was concluded that the current arrangements are satisfactory and that no change is required. A further suggested change was to place a time limit on the length of Plans Committee meetings to bring them into line with other council meetings. This is dealt with under section 12.11 of the constitution which restricts all other committees to 2.5 hours unless members vote for an extension of up to 30 minutes to conclude an item of business. Officers and members considered that applying this approach to Plans Committee raised significant risks to decision making given statutory performance indicators required decisions to be made in 8 or 13 weeks. It was felt no change should be made and that agenda length could be managed by inter alia:

- Revisions to, and clearer guidance on, 'call in' arrangements
- Reduction in time for public speaking and officer presentations
- Greater emphasis on committee process in Plans Training sessions

Proposed Changes to the Constitution

8. The changes to the constitution that are proposed, following the review of the POSe recommendations, are discussed below. Members are referred to the full POSe report for a more detailed explanation of the issues that led to the recommendations. The consequential amendments to the wording of the constitution are shown tracked in Appendix A. The appendix is structured in the following way showing tracked changes to:
- I Plans Committee Procedures
 - II Delegation of Council Functions to the Head of Planning and Growth
 - III Planning Code of Good Practice

Revisions to the member 'call in' process for planning applications and when they are required to attend Plans Committee to speak on the item

9. Discussions between the POSe team and ward councillors during the independent review identified dissatisfaction with the current arrangements for 'calling in' planning applications for consideration by the committee. The review team also heard of members' concerns about items being called in to the committee that they felt should remain delegated to officers and ward councillors not attending to speak on the applications they had called in. However, the main concern expressed was that there is insufficient time within the 21 day formal consultation period for ward councillors to establish and understand all stakeholder and residents' views about a proposal especially as it is often the case that comments arrive late in the period and sometimes, after the period has closed. The matter was considered further in discussions with ward councillors at the all member briefing on 7th September. There was a consensus that further time should be given to ward councillors to consider if they wished to call in items to committee. Therefore, it is proposed to extend the period for call in from 21 days to 28 calendar days. This was considered to be right balance to take given the need to ensure that applications should be determined within 8 or 13 weeks. It was felt this change would enable Councillors to reach more informed judgements about calling in applications and was likely to reduce the number of call ins made 'just in case'. There was a strong view amongst the councillors present that councillors calling in applications must attend the committee to explain why they called in the application and the material planning reasons and if they could not attend that they should write to the Chair to explain why they cannot attend and to ask that a written explanation be read to the committee in the ward councillors' speaking slot.

Amendments to clarify the circumstances when councillors in a single member ward may nominate another councillor to call in an application to Plans Committee

10. This issue was raised by councillors to the POSe review team during workshop sessions with members earlier this year. The problem was where a member of the plans committee was also a representing a single member ward, if that member wishes to call in an application, they must step away from committee and explain the reasons for the call in in their ward councillor role. The proposal was that in these circumstances the member should be

able to nominate another ward councillor to call in the application to committee so they can maintain their membership of the Plans Committee. A further issue for single member wards was if the councillor had a disclosable interest in the application they are not currently able to nominate another ward councillor to call it in to the plans committee.

11. These issues were given very careful consideration in the 7th September all member briefing session and guidance was provided by the Monitoring Officer. Councillors present considered it was right that members of the committee should step away from the committee having exercised call in rights and that a conflict of interest could not be overcome by nominating another ward councillor to call it in on their behalf. Furthermore, there was a strong view that if a ward councillor in a single member ward is conflicted by a disclosable interest, that conflict is not extinguished if they nominate another ward councillor to call in the application on their behalf. For these reasons no changes are proposed to be made specifically to address these two issues.
12. Further consideration was given by officers to the general issue of single member wards and it is considered there may be circumstances when it is appropriate for ward councillors representing single member wards to have the right to nominate another ward councillor to call in applications on their behalf. These relate to the Mayor, Deputy Mayor or councillors who are ill and it is proposed that the constitution is amended to reflect these circumstances.

Delete the ward referral process for planning enforcement matters

13. The POSe review identified the current scheme of delegation creates an overly bureaucratic process for planning enforcement matters. In cases where it is not considered expedient to take further action lengthy reports are required to explain the case to ward councillors for matters that are often very minor. This takes officers time away from dealing with the more important planning breaches that are causing serious harm. The review team found there were 17 cases over the three years 2020, 2021 and 2022 where serving an enforcement notice was recommended. In only one circumstance, following a ward referral, was a case reported to Committee which then agreed the officer recommendation. In the other 16 cases the ward members accepted the officer recommendation and action proceeded through delegated powers. Over the same period there were 71 cases referred to ward councillors where the officers recommended that it would not be expedient to take action. Again, only 1 case was subsequently referred to Plans Committee for decision and the committee voted not to take action as recommended. The review team concluded there were significant problems with the referral process, inter alia:
 - It created additional workload for staff under existing workload pressures
 - The timescales involved in preparing reports, getting them signed off, seeking ward councillor views and where necessary reporting to committee are lengthy when considered against the timescale for enforcement action that is limited
 - It can result in non-expedient cases not being closed in a timely manner with open cases remaining on file for overly long periods.

- It involves members with no training or experience in planning matters and no planning responsibilities making decisions about technical and legal planning issues
 - No other English local authority has a similar process of ward referral.
14. With these issues in mind officers sought the views of councillors on the recommendation to remove the ward referral process and instead to give delegation to officers to determine enforcement matters at the two all member briefings in 26 July and 7 September. To support the discussion and to bring greater clarity and confidence to councillors about the proposed approach officers saw the opportunity to amend the Enforcement Plan to introduce a case prioritisation and harm assessment. These amendments are considered elsewhere on this agenda but are intended to support the changes to the constitution making clear to members how cases will be dealt with. The proposals were brought forward over the summer with consultation on the draft plan during August.

Revised the wording of the Presentation Scheme (chapter 25 of the constitution) to make it clear when the pre-application enquiry protocol takes precedence

15. The driver for revising the presentation scheme comes from the POSe recommendation to improve the engagement of members in pre-application enquires so that they have the greatest opportunity to influence the outcome of planning applications. The Presentation Scheme sets out the rules to be followed when third parties wish to engage with members to tell them about their proposals, goods or services. It applies to the whole organisation and not just to third parties who wish to speak to councillors about planning proposals.
16. The Pre-application Enquiry Protocol is a guidance document available on the website¹ that explains the commercial service provided by the Planning Service to promoters and developers of land before they submit a formal planning application. The guidance makes it clear there are advantages in engaging with elected representatives and community groups as part of pre-application discussions and that officers will facilitate discussions as appropriate so that development proposals can be better informed. Problems sometimes present themselves when developers and promoters seek to engage directly with councillors outside of the pre-application enquiry process (thus triggering a referral to the Monitoring Officer) or where developers/promoters are aware of the Presentation scheme and contact the Monitoring Officer directly requesting a meeting with members. In these circumstances it is considered the pre-application enquiry protocol should take precedence and that the Presentation Scheme should be amended to reflect that with consequential amendments to the wording of section 8 of the Planning Code of Good Practice.

¹ [Charnwood Borough Council Pre-Application Advice Service](#)

Amendments to the rules around public speaking at committee

17. The POSe review team attended Plans Committee on 12th April 2023 and observed the procedures around public speaking. They also reviewed our public speaking protocol and website advice. They were impressed by the arrangements in place to manage speakers on the night but were mindful that the Council provided 5 minutes for each speaker type to have their say and that the process to register speakers could be improved.
18. In terms of the timescale for public speaking, the current provisions are that 5 minutes is allocated to all five speaker types² on the night. The review team felt that this was excessive and out of step with national best practice which was 3 minutes. They noted the extreme case where, with officer presentations limited to 10 minutes and if there were speakers in each of the five categories, each item on the agenda could take upwards of 35 minutes to introduce before the debate actually commenced. With agendas often including 4-5 items that was around 2-2.5 hours of time before debate and this was adding to the workload and stretching the endurance of members. The review team recommended reducing the speaking time for eligible participants at the meeting to 3 minutes and guiding the planning officers to present the key facts in less than ten minutes per item.
19. The matter was discussed at the all member briefing on 26th July and it was largely felt by councillors present that the 5 minute slot should remain in the interests of democracy. However, in this instance, officers' advice is that the time slot should be reduced to align with national best practice of 3 minutes per speaker, as per POSe's recommendation. Together with shorter officer presentations, this will reduce the time taken to deal with each agenda item and make for more expeditious meetings. Councillors are reminded that all the information to determine planning applications is held on the public planning file, in the committee report (and extras report) and that the speaking slot is intended only to provide elaboration of the information already received.
20. The POSe review team felt that the registration process for speakers should be reviewed as they considered the 7 working day notice that is required in advance of the meeting, set out in the current process, was too long. Instead, they suggested this should be changed to 3 working days as this would give participants chance to digest the plans committee reports that are published 5 working days before the meeting and consider if they need to speak or not. That might avoid people registering to speak only to withdraw that request later (and therefore generating work for officers). Officers have given this careful consideration and are not proposing to make any changes to the current process at this time. This is for two reasons. Firstly, the back office system is currently unable to reliably automate this process and secondly, while it is bureaucratic, the process does work in that participants that have registered must confirm their request to speak not less than 2 working days before the meeting. The existing approach therefore provides more time for participants to consider whether to proceed with their speaking request than the POSe recommendation. It also provides officers with time to coordinate and administer what can sometimes be a significant volume of potential

² Speaker types are: 1) agent/applicant; 2) Ward Councillor; 3) Parish/Town Council; 4) objector; 5) Supporter

speakers. The service will, however, keep the process under review to take advantage of opportunities to improve it that are afforded by the new back office system when it is implemented.

21. The following further changes are proposed as a consequence of reviewing the constitution:

Amendments to give authority to the Head of Planning and Growth to enter into S106 legal agreements on applications not reported to the Plans Committee (section 21 of the constitution)

22. The use of legal agreements is currently delegated to the Head of Planning and Growth on a case by case basis by the Plans Committee. This proposed amendment would clarify the arrangements for applications being determined using delegated authority and enable the Head of Planning and Growth to exercise that authority to determine applications that would otherwise fall to him to determine if they did not require a unilateral undertaking or agreement under a S106 of the Planning Act. This proposed change will help to reduce the burden on the Plans Committee by ensuring the most significant applications fall to their consideration.

Addition to the Meeting Procedures to set out the arrangements for late items

23. The decision taker is legally obliged to consider all material planning issues right up to the point the vote by members of the committee is taken. The use of an 'Extras Report' to pick up late items submitted by participants after the agenda has been published has long been a feature of Plans committee and planning meetings nationally to deal with this issue. The arrangements for the Extras Report and its deadlines for publication have not however been documented and it is proposed they are added to the meeting procedures under section 12:12 of the constitution.

To give delegated authority to the Head of Planning and Growth to make decisions on planning applications where they have not been signed by a specified (or agreed) date

24. This is a proposal to add in a new provision to the constitution with the intent of speeding up the issuing of planning permission following a resolution by the plans committee (or the Head of planning and Growth under delegated powers – see 6 above) to conditionally grant planning permission. There have been circumstances where planning applications have remained on the books for months after the committee decision with no progress on the drafting of the s106 agreement because the developer has abandoned the process or for other reasons. With the government having laid secondary legislation to reduce the timescale for the 'planning guarantee' from 26 to 16 weeks, after which a refund of planning fees can be requested, it is important that the planning authority has tools available to it to help manage its position. In such circumstances the Head of Planning and Growth may resolve to refuse planning permission on the grounds necessary infrastructure cannot be secured by legal agreement.

Clarification that spouses or partners of serving members of the Council or officers will also trigger referral of applications to the Plans Committee

25. This final amendment seeks to bring greater transparency to decision making where spouses or partners of serving member or council officers make planning applications.

Changes to the Membership of the Audit Committee

26. The CIPFA updated Position Statement recommends that “audit committees of local authorities should include co-opted independent members in accordance with the appropriate legislation. Where there is no legislative direction to include co-opted independent members, CIPFA recommends that each authority audit committee should include at least two co-opted independent members to provide appropriate technical expertise”. There is no legislative direction for Borough Councils.
27. To enable the authority to meet the best practice set down by CIPFA the constitution of the authority needs to be amended to enable the committee to appoint two co-opted independent members.
28. This proposal was supported by the Audit Committee at their meeting on 19th September 2023.
29. The additional independent member, who will only receive reimbursement for any travelling expenses, will be recruited following a process as agreed by the Audit Committee, and their appointment will be subject to confirmation by full Council.

Appendices

Appendix A: Proposed changes to the Constitution

Appendix A Proposed Changes to the Constitution

I. Plans committee procedures

1. Change of Length of Time for Speaking and Delegation of Enforcement Items

(a) Councillor speaking rights

A member who is not a member of the Plans Committee may address the committee called to consider planning applications or ~~enforcement actions~~ other matters on the agenda for a period of no longer than ~~five~~ three minutes, but will not be entitled to take part in the debate or vote, provided that:

- i) the member is one of the ward members who has been, or would have been, consulted under the procedure for notifying and consulting councillors on planning applications;
- ii) the member gives notice in writing or in person to the Head of Planning and Growth at least two working days before the appropriate meeting.

The following councillors who are unable to exercise this right may nominate another Councillor to speak on their behalf by giving notice in writing or in person to the Head of Planning and Growth at least two working days before the appropriate meeting:

- councillors who represent a single member ward
- the Mayor
- the Deputy Mayor
- councillors who are ill.

If more than one member wishes to speak on the same application or enforcement action, the period of ~~five~~ three minutes for speaking will be divided equally between the members concerned.

Members who are unable to attend the Plans Committee meeting can submit a written statement to be read out at the meeting by the Chair (the relevant time limits will apply).

The Chair of the Plans Committee may, in exceptional circumstances and with the consent of the Committee, allow a member who has not given the required notice to address the meeting.

(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~~ three 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;
- ii) An applicant (or agent appointed to act on his/her behalf);
- iii) 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.
- iv) Where the relevant Town/Parish Council or meeting wishes to speak it must [confirm-register](#) that desire not less than two working days before the meeting.
- 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.

~~For a decision on whether to issue an enforcement notice, whether or not there is also an associated application on the agenda, the following people may address the committee for a period of no more than five minutes providing they have confirmed that they will do so not less than two working days before the meeting:~~

- ~~i) —The developer (or agent appointed to act on his/her behalf),~~
- ~~ii) —Any person who has lodged a complaint in respect of the unauthorised development,~~
- ~~iii) —An authorised representative of a Town/Parish Council or Meeting which has lodged a complaint in respect of the unauthorised development, in support of that complaint.~~
- ~~iv) —Where no Town/Parish Council or Meeting exists, an authorised representative of a properly constituted community group based in that area which has lodged a complaint in respect of the unauthorised development, in support of that complaint.~~

In all cases the time limit of ~~five~~three minutes applies to the total time available under each of the headings (i) to (iv) above. Where there is, for example, more than one objector ~~or complainant~~ who has made a request to speak or more than one Town/Parish Council or Meeting that has been consulted, it is the responsibility of the objectors/~~complainants~~ or Councils/Meetings to appoint a representative to speak on their behalf. If no agreement can be reached by the objectors, the time limit of ~~three~~five minutes will be divided equally among the objectors/~~complainants~~ or Councils/Meetings.

~~Where there are both application and enforcement items relating to the same development, there will only be one opportunity to speak and that will be to the item which appears first on the agenda.~~

Where other items within the terms of reference of the Committee are to be considered, the principles/rules for public speaking set out above will be adapted to suit the nature of the item.

The Chair of the Plans Committee may, in exceptional circumstances and with the consent of the Committee, allow a person who has not given the required notice to address the meeting.

The Chair of the Plans Committee may ask speakers or officers to provide clarification on any points that are raised by speakers.

2. Changes to the Process for Calling-in Planning Applications

~~After a planning application has been registered and made valid following the formal 21 day consultation period, ward councillors may write to officers to give notice of their desire to call in applications to plans committee. 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 that is wholly or partly within the boundary of their ward which would otherwise have been determined by the Head of Planning and Growth under delegated authority is called-in to the Plans Committee ~~which would otherwise have been determined by the Head of Planning and Growth 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, ~~28~~21 calendar days from the date of the consultation being sent to the ward councillors or 7 calendar days after 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 & Growth.~~ include relevant material planning considerations; and
- ~~• clearly justify why the decision is controversial or of significant public interest and should be made in public session;~~

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, unless a written request to withdraw it is submitted by the ward councillor

~~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 by 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. Ultimately, the Chair (or vice chair in their absence) will decide if the item will be added to the committee agenda.

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.

If the following councillors are unable to exercise this right they may nominate another Councillor to request a call in on their behalf by giving notice in writing to the Head of Planning and Growth:

- the Mayor
- the Deputy Mayor
- councillors who are ill.

Ward councillors must follow the requirements of the Members' Code of Conduct and the Planning Code of Good Practice in determining whether or not they are able to exercise their right to request the call-in of a planning application, or nominate another councillor to do so, under the provisions in the paragraph above.

Ward councillors who call-in a planning application are expected-required 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, they/he/she is able to, and should must, identify another councillor to speak on his/her/their behalf or in exceptional circumstances to provide a written statement for the Chair to read out within the allowed time for ward councillor speaking. The nominee can exercise the same ward councillor speaking rights as the councillor calling-in the planning application could have done if he/she/they were/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 and/or 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 that were determined under delegated authority and where no demonstrable harm would be caused to an interest of acknowledged importance
- (vii) screening and scoping applications for Environmental Impact Assessments.

3. Extras Report Procedure

(d) Late information relating to planning applications

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Information relating to planning agenda items received after the preparation of the Plans Committee Agenda will be the subject of a verbal summary from planning officers at the meeting. This summary will be supported by the publication of an Extras Report. Wherever possible this report will be published by 5pm on the day before the Plans Committee meeting.

Late information received after 12 noon on the day prior to the relevant Plans Committee meeting will be summarised verbally by officers.

II. Delegation of Council Functions to the Head of Planning and Growth

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 the Development Plan and is recommended for permission;
 - (ii) in the opinion of the Head of Planning and Growth, 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 Growth 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 Constitution;
 - (v) the application is submitted by a serving member of the Council, ~~or a serving officer,~~ or the spouse or civil partner of a serving member of the Council or a serving officer, or a person with whom a serving member of the Council or a serving officer is living as if they were a married couple or civil partners.
 - (vi) 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 following a resolution by the Plans Committee except in cases where, following consultation with the Chair and Vice Chair of the Plans Committee and relevant ward councillors, the Head of Planning and Growth is of the opinion that the variation is minor in nature.

NEW: To determine planning applications with a resolution from the plans committee to grant planning permission subject to S106 legal agreement where that legal agreement has not been signed by a date specified in a committee resolution or date otherwise agreed with the applicant, in consultation with the Chair of Plans Committee.

21. To negotiate the heads of terms of section 106 agreements and to enter into an agreement under S106 of the Planning Act to secure planning obligations in instances where the decision is delegated to the Head of Planning and Growth

2. Delegation of Enforcement Activities to Officers

11. 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 Growth, via e-mail or in writing and giving relevant planning reason(s), that the matter should be referred to the Plans Committee for determination.~~

12. ~~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.

Delegation of executive functions

Delegation to the Head of Planning and Growth General

1. To serve requisitions for information except under Section 330 of the Town and Country Planning Act 1990 (see also Council delegations).
2. To respond to requests for the grant of a goods vehicle operator's licence.
3. To enter into management agreements under Section 39 of the Wildlife and Countryside Act 1987, subject to:
 - (i) the expenditure not exceeding £2,000 over the term of an agreement where annual payments are made; or
 - (ii) where a single payment is made.
4. To respond to traffic regulation order proposals following consultation with the relevant Lead Member and appropriate local councillors.
5. To make urgent changes to conservation area boundaries in consultation with the relevant Lead Member to protect a particular building.
6. To review, update and make amendments to the criteria for validating planning applications in response to statutory changes or revised Government advice (the 'local list').
7. ~~To make amendments to the Enforcement Plan in response to future legislative changes, or changes at local or regional level, in consultation with the relevant Lead Member~~
~~To make minor amendments to the Planning Enforcement Policy in consultation with the relevant Lead Member.~~
8. To make minor changes to the Council's Environmental Policy in consultation with the Leader.
9. To issue a Community Protection Notice (CPN).

10. To serve a notice or carry out work to remedy a breach of a CPN.
11. To issue fixed penalty notices for failure to comply with a CPN.

III. Planning Code of Good Practice

4.2 When considering planning applications, you should:

- only make decisions in accordance with the Development Plan unless material considerations indicate otherwise;
- come to your decision only after due consideration of all of the information before you. If you feel there is insufficient time to digest new information defer making a decision to a later meeting or if there is insufficient information before you, request the additional information;
- ensure that if you are moving, seconding or supporting a proposal contrary to officer recommendations or the Development Plan that you clearly justify the planning reasons for doing so before any vote is taken. Be aware that [if you move or second a refusal against officer recommendation](#) you may have to justify the resulting decision by giving evidence in the event of any challenge [to a planning decision](#);
- only vote or take part in the meeting's discussion on a proposal if you have been present to hear the entire debate, including the officers' introduction to the matter.

Changes to the Process for Calling-in Planning Applications

7.2 Councillors who are not members of the Plans Committee may exercise their separate speaking rights as a Ward Member set out in Other Committee Procedure 12.12(a). However, if you have a disclosable pecuniary interest or an interest leading to bias you will not be able to do this even under paragraphs 4.3 and 4.14 of the Members' Code of Conduct. If you do exercise speaking rights:

- advise the Head of Planning and Growth that you wish to speak in this capacity at least 24 hours before the meeting;
- you will not be able to vote on the matter;
- you should seat yourself in the place allocated to those addressing the Plans Committee;
- at or immediately ~~prior to~~[before](#) the meeting you should not circulate written information to the Committee.

Where a ward councillor has called in an application to Plans Committee, **they [will be required to attend the meeting to explain why it has been called in](#)** and their concerns. If they are unable to attend, they must nominate a

substitute to stand in for them and express their views or submit a written statement which can be read out by the Chair within the three five-minutes allowed for speaking.s

8. Contact with Applicants, Developers and Objectors

(Application: All Councillors)

8.1 If you are contacted by applicants, developers or objectors:

- refer those who approach you for planning, procedural or technical advice to Planning eOfficers;

Councillors can involve themselves in discussions with developers, their constituents and others about planning matters. However, difficulties can be avoided if Councillors inform officers about any approaches made and seek advice.

(Application: Plans Committee)

8.2 If a member of the Plans Committee is contacted by an applicant, objector or developer:

- they should refer any requests for planning, procedural or technical advice to officers;
- they should report in writing to the Head of Planning and Growth any contact with an applicant, objector or developer which could (or could reasonably be perceived by the public) to effect the determination of a planning application, requesting that it is recorded on the planning file.
- they should not agree to any formal, private meeting with applicants, developers or objectors if you-they can avoid it;
- if you-they feel that a meeting or site visit would be useful in clarifying the issues, you-they should never seek to arrange that meeting yourself themselves but should request the Head of Planning and Growth to organise it;
- ~~comply with the Council's protocol relating to presentations in Chapter 25 of the Council's Constitution. Officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Plans Committee.~~
- be aware of the rules relating to pre-determination and bias in section 5 of this Code; and

- if you subsequently take part in the Plans Committee meeting considering this matter, disclose those contacts to the meeting.

CHAPTER 25 PROTOCOL ON PRESENTATIONS TO COUNCILLORS

1. The Council recognises the need for Councillors to be well informed about issues affecting the Borough. It also recognises that third parties will have information about proposals that they wish to provide to councillors. However, there are circumstances where the provision of information, if handled inappropriately, can lead to problems. This is particularly the case where the Council is required to make decisions on an issue at some future date.
2. This protocol, therefore, regulates how information may be given to councillors in the form of a formal presentation in these circumstances. It is designed to complement the Members' Code of Conduct in Part 5 of the Constitution and the Members' Planning Code of Good Practice. In the event of any conflict between this protocol and those codes, the codes shall take precedence.
3. Any request by a third party (the definition of which shall include a councillor or an officer acting in another capacity) to make a formal presentation of information to councillors, other than in a meeting to which the Access to Information Rules in Point 4 of the Constitution apply, shall be made either:
 - (i) to the Council's Monitoring Officer; or
 - (ii) to the relevant Director or Head of Service.

In the case of (ii) above, the relevant Director or Head of Service will refer the proposal to the Monitoring Officer for advice.

4. This protocol may not apply in the circumstances where developers and promoters of development proposals can be managed within a pre-application environment where engagement with elected representatives may be facilitated by planning officers as part of the normal planning process. Where elected members are directly approached by promoters of land, they should notify the Head of Planning and Growth so the request can be considered and managed in accordance with the appropriate protocol.

5. A request by a third party to make a formal presentation of information under 22. above shall be in writing, setting out the reason(s) for the proposed presentation, the subject matter, the councillors for whom the presentation is intended and any other relevant information.
6. The Monitoring Officer will consider each request and advise the relevant Director or Head of Service of the suitability of the proposed presentation having regard to this protocol, the information submitted, the available alternative methods of providing the information, the codes referred to in 1. above and any other material considerations.

7. The Director or Head of Service, taking account of the Monitoring Officer's advice, may agree or refuse the request or may agree to elements of the proposed presentation. Alternatively, he or she may refer the request to the Cabinet or a Committee (as appropriate to the proposal) together with the Monitoring Officer's advice, to agree or to refuse the request or to agree to elements of it.
8. Where a request is agreed, and the presentation proceeds, it shall do so strictly in accordance with the following rules:
 - (i) A copy of this protocol will be supplied by the relevant Director or Head of Service to the third party concerned at least five days before the presentation.
 - (ii) At least two officers shall be present at the presentation.
 - (iii) A record of attendance at the presentation shall be made in accordance with the usual arrangements for Council, Cabinet and Committee meetings.
 - (iv) Before the presentation starts, an officer will outline these rules, and thereafter will maintain compliance with them and will ensure that notes of what is said at the presentation are taken.
 - (v) No Councillor shall be involved in making a presentation as a representative of the third party or otherwise.
 - (vi) Before the presentation starts, all Councillors will be asked to disclose any interests in the matter, in accordance with the Members' Code of Conduct, and all disclosures made will be recorded as part of the notes referred to in (iv) above.
 - (vii) The presentation is for information only and the third party must not seek to ascertain councillors' views on any issue nor lobby councillors for support.
 - (viii) Councillors may ask questions for clarification purposes but must not offer any opinions on the merits or otherwise of any proposals.
 - (ix) Councillors and all present must be aware that the presentation does not form part of the Council's decision-making process and that the process of debate and determination of any matter arising will be carried out in accordance with the Council's normal procedures.
9. Where a request is refused, the body or individual taking that decision must give reasons.

Chapter 12 OTHER COMMITTEE PROCEDURES

12.3 Composition

Committee	Size	Quorum	Substitutes
Audit Committee	<p><u>Two Independent Member (inc. Independent Chair)</u></p> <p>Plus seven Councillor members. No members of the Cabinet can be members of the Committee</p> <p>The Vice-chair will be appointed by the Committee from among its members.</p> <p>Appointment of the Independent Chair of the Audit Committee to be made by Full Council on recommendation from the S151 officer</p>	Four Councillor members	Permitted

COUNCIL - MONDAY, 6 NOVEMBER 2023

9(1) Declaration of a Climate Emergency

The following motion on notice has been submitted by Councillor Jones in accordance with Full Council Procedure Rule 9.12:

Charnwood Borough Council notes:

- a) The UK as a signatory to the Paris Accord 2015 is committed to action to fight Climate Change which includes recognising the need to limit by 2030 temperature rises to 1.5°C above the internationally recognised pre-industrial baseline which was re-affirmed at the UK Framework Convention on Climate Change 2022 (COP27);
- b) Climate change poses an imminent and severe threat to our borough, country and planet, with increasingly severe weather already impacting our public health, local economy and community wellbeing;
- c) It is our duty as a Council to recognise our role in leading action to mitigate climate change by reducing carbon emissions, encouraging sustainable development and ensuring the resilience of our community;
- d) Many Councils throughout the United Kingdom have now declared a Climate Emergency;
- e) The significant progress made to date by Charnwood Borough Council in mitigating and adapting to climate change which includes:
 - a. The approval by Cabinet on 12th October of the Council's Climate Change Strategy 2023-2030 and Climate Change Strategy Action Plan 2023-2030
 - b. The passing by Council on 4th September of the motion calling on Leicestershire Local Government Pension Scheme to divest from Fossil Fuel Investments.

This Council therefore commits to:

- a) Declaring a Climate Emergency;
- b) To use such a declaration to continue to build on the current strategy and accelerate work with partners across the county and region to develop and implement best practice methods that can deliver carbon reductions and help limit global warming.
- c) Providing leadership to residents, communities and businesses to support and enable the Borough's transition to net zero