

**CABINET – 8TH APRIL 2021**

**Report of the Monitoring Officer  
Lead Member: Councillor Margaret Smidowicz**

**Part A**

ITEM            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 1<sup>st</sup> 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 Constitution<sup>1</sup>;

- (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);

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<sup>1</sup> 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.