

**Review of Constitution 2017 18
Items for Consideration**

No	Part	Item	App Ref
1.	Part 3A	<p><u>Responsibility for Functions</u></p> <p><u>Transfer the following Terms of Reference from the Planning Committee to the Policy, Finance & Administration Committee (PFA)</u></p> <p><i>To supervise the collection of revenues and accounts due to the Council and not paid by the date of settlement and to give such directions as may be necessary for the recovery thereof.</i></p> <p><i>To exercise the enforcement powers and duties of the Council and Returning Officer in relation to elections.</i></p> <p><u>Action Proposed</u> To agree the transfer of 2 items from the Terms of Reference of the Planning Committee to the PFA Committee as set out above.</p>	
2.	Part 3A	<p><u>Responsibility for Functions</u></p> <p><u>Transfer the following Terms of Reference from the Planning Committee to the Melton Economic & Environmental Affairs Committee (MEEA)</u></p> <p><i>To exercise the Council's regulatory and enforcement powers and duties in respect of authorisations, licences, permits, consents or similar, under all statutory provisions other than those specifically reserved to other Committees.</i></p> <p><i>To exercise the Council's powers and duties to review, make, amend, revoke or re-enact By-Laws.</i></p> <p><i>To exercise the Council's enforcement powers and duties under all statutes, regulations, codes of practice and conditions of service relating to Health and Safety and to respond to enforcement by other agencies against the Council.</i></p> <p><i>To exercise the enforcement powers and duties of the Council in respect of animals.</i></p> <p><i>To exercise the regulatory and enforcement powers and duties of the Council in respect of pollution control.</i></p> <p><i>To exercise the regulatory and enforcement powers and duties</i></p>	

		<p><i>of the Council in respect of food safety.</i></p> <p><i>To exercise the regulatory and enforcement powers and duties of the Council in respect of premises for wholesale or retail sale.</i></p> <p><i>To exercise the regulatory and enforcement powers and duties of the Council in relation to the enforcement of any statutes, regulations. Codes of Practice, Bye Laws or other provisions enforceable by the Council other than those specifically reserved to other Committees.</i></p> <p><u>Action Proposed</u> To agree the transfer of 8 items of the Terms of Reference of the Planning Committee to the MEEA Committee as set out above.</p>	
3.	Part 3A	<p><u>Responsibility for Functions</u></p> <p><u>To delete 10 items of the Terms of Reference of the Planning Committee (items 1 and 2 above refer)</u></p> <p><u>Action Proposed</u> To agree the deletion of items 4-13 of the Planning Committee Terms of Reference which are transferred to MEEA and PFA.</p>	
4.	Part 3A	<p><u>Responsibility for Functions</u></p> <p><u>Welland Partnership – Joint arrangements</u></p> <p>To remove reference to the joint arrangements of the Welland Partnership as this body no longer exists.</p> <p><u>Action Proposed</u> To remove the joint arrangements with the Welland Partnership</p>	
5.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Delegations to Assistant Director for Strategic Planning and Regulatory Services :</u></p> <p><u>Item 35 – to be updated as follows :-</u></p> <p><i>To make objections and representations to National Planning Policy and Guidance, any Regional Planning Guidance, the Leicestershire Minerals and Waste Local Plans, the Development Plans of neighbouring planning authorities and other proposals and policies prepared by other authorities that could be expected to affect the development of the Borough or the planning of its development.</i></p> <p><u>Action Proposed</u> To agree the update to item 35 of the delegations of the Assistant Director for Strategic Planning and Regulatory</p>	

		Services as set out above.	
6.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>3 new delegations to the Assistant Director for Strategic Planning and Regulatory Services relating to Planning Policy matters :-</u></p> <p>(1) Authority to designate a Neighbourhood Plan Area, unless objections to the designation have been received and</p> <p>(2) To determine whether a Neighbourhood Plan should proceed to Referendum following the receipt of an Examiner's report, except where either:</p> <p>(i) the 'qualifying body' do not accept the Examiner's recommendations;</p> <p>(ii) it is proposed to deviate from the Examiner's recommendations.</p> <p>(3) To compile and publish the following documents:</p> <ul style="list-style-type: none"> • The Annual Monitoring Report • Brownfield Land Register (and updates) • Statements of Community Involvement <p><u>Action Proposed</u> To agree the 3 new delegations to the Assistant Director for Strategic Planning and Regulatory Services as set out above.</p>	
7.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations to Assistant Director for Strategic Planning and Regulatory Services</u></p> <p>Item 13, page 34, introductory text, 2nd 3rd and final bullet points to be deleted and replaced with :</p> <p><u>Introductory Text:</u></p> <p><i>To determine (i.e. allow or refuse) all applications for work on trees in conservation areas and Permitted Development Order 2015 'Prior Notifications' (whether or not subject to any representations of support or objection);</i></p> <p><i>To determine all applications for planning permission, advertisement consent, listed building consent, conservation area consent, Certificates of Lawfulness and for works on trees covered by a Tree Preservation Order; except an application for which:</i></p> <ul style="list-style-type: none"> • 2nd : <i>The recommendation departs from the provisions of the Melton Local Plan and/or;</i> • 3rd : <i>letters of objection have been received from more than</i> 	

		<p>10 separate households, or a petition or 'pro-forma' letters from over 25 signatories - where the grounds of objection are on bona-fide planning grounds - and the recommendation conflicts with the representations received.</p> <ul style="list-style-type: none"> • Final; Delete (notifications and Tree applications) <p><u>Action Proposed</u> To agree the changes to the delegations to the Assistant Director for Strategic Planning and Regulatory Services as set out above <u>upon adoption of the Melton Local Plan.</u></p>	
8.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations to Assistant Director for Strategic Planning and Regulatory Services</u></p> <p>To add:</p> <p>Notices under part 8 of the Anti social Behaviour Act 2004 ('High Hedge Notices')</p> <p><u>Action Proposed</u> To agree the addition to the delegations of the Assistant Director for Strategic Planning and Regulatory Services as set out above.</p>	
9.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations to Assistant Director for Strategic Planning and Regulatory Services</u></p> <p>Transfer items 59, 61 and 69 as listed below from the Assistant Director for Strategic Planning & Regulatory Services to the Director of Growth and Regeneration.</p> <p><i>59 To be responsible for the management of the Council's Waste Management Contract.</i></p> <p><i>61 To be responsible for the management of the Council's internal Health and Safety arrangements.</i></p> <p><i>69 In consultation with the Chair of the Melton Economic & Environmental Affairs Committee (MEEA), to make relevant changes to the method of operational delivery within the waste collection and street cleaning contract where there is no impact on service delivery to the end user and where financial savings can be made.</i></p> <p><u>Action Proposed</u> To agree the transfer of delegations 59, 61 and 69 of the Assistant Director for Strategic Planning and Regulatory Services to the Director for Growth and Regeneration as set out</p>	

		above.	
10.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations of the Director for Corporate Services</u></p> <p><u>Delete item 38 as follows :-</u></p> <p><i>38 In consultation with the Deputy Chief Executive to make any necessary changes to the Retail Relief Scheme, in accordance with further guidance from Central Government, consultation with partners across Leicestershire and to improve the scheme based on experience from delivery of the scheme.</i></p> <p><u>Transfer item 39 as follows to the Deputy Chief Executive :-</u></p> <p><i>39 To adjust the Local Council Tax Support scheme annually with regard to uprating personal allowances and premiums and changes to the universal Credit Scheme affecting the Local Council Tax Support Scheme as announced by Central Government.</i></p> <p><u>Transfer the following delegation from the Director for Corporate Services to the Deputy Chief Executive in consultation with the Director for Corporate Services :-</u></p> <p><i>52 In consultation with the Director for Corporate Services to adopt local business rate relief schemes, where it is in the interest of local businesses and the Council to do so, following guidance from Central Government.</i></p> <p><u>Action Proposed</u></p> <p>To agree the deletion of item 38 and the transfer of delegations 39 and 52 from the Director for Corporate Services to the Deputy Chief Executive as set out above.</p>	

11.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Proper Officer Provisions</u></p> <p>The Proper Officer for the performance of the duties of the Data Protection Officer under General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018, under GDPR Articles 37, 38, and 39, will be the Council's Principal Solicitor as follows :-</p> <table border="1" data-bbox="384 456 1262 680"> <tr> <td data-bbox="384 456 842 680"> General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 GDPR Articles 37, 38, 39 The Data Protection Officer </td> <td data-bbox="842 456 1262 680">The Principal Solicitor</td> </tr> </table> <p>In the interim, until the permanent appointment of the Principal Solicitor in the Legal & Democratic Service, the Chief Executive, as Head of Paid Service, will designate an appropriate person to act as the named Data Protection Officer.</p> <p><u>Action Proposed</u> To agree that the Principal Solicitor be the Proper Officer in respect of Data Protection as set out above and in the interim until a Principal Solicitor is appointed, the Chief Executive will designate an appropriate person to act as the named Date Protection Officer.</p>	General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 GDPR Articles 37, 38, 39 The Data Protection Officer	The Principal Solicitor	
General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 GDPR Articles 37, 38, 39 The Data Protection Officer	The Principal Solicitor				
12.	Part 4	<p><u>Rules of Procedure</u></p> <p><u>Substitute Policy</u></p> <p>The Substitute Policy has been revised at the request of Members to remove the requirement for substitutes to be appointed by the Group Leader and to simplify the process for Members.</p> <p><u>Action Proposed</u> To agree the revised Substitute Policy at Appendix A1</p>	A1		
13.	Part 4	<p><u>Financial Procedure Rules</u></p> <p>In order to reflect the changes required under the new IFRS9 accounting standards a greater emphasis is required by budget holders to ensure the correct processes are followed which includes finance sign off and provision of data. Therefore the following new section is proposed.</p> <p><u>Section 3 – Financial Systems and Procedures</u></p> <p>Asset and Vehicle Leasing (new section) 2.62 Budget Holders</p>			

		<p>a) All staff must consult financial services before entering into any proposed leasing arrangements to ensure appropriate options appraisal are considered.</p> <p>b) In order to undertake an options appraisal staff must collate and provide the information outlined in section 2.3 of the budget manual to finance as part of the decision making process.</p> <p>c) Following a full financial appraisal a lease can only be taken to the next stage for entering in to once approved by a qualified member of the Finance Team</p> <p>d) Before any lease is signed any legal documentation provided by the potential supplier must be reviewed by a member of the legal services team</p> <p>e) Once a lease is approved all the information required should be entered onto the lease register maintained by property services and property is to be informed of any changes should they arise.</p> <p><u>Action Proposed</u> To agree insertion of the above to the Financial Procedure Rules.</p>	
14.	Part 5	<p><u>Codes and Protocols</u></p> <p><u>Code of Conduct for Members and Officers dealing with Planning Matters</u></p> <p><u>Action Proposed</u> To agree the tracked changes proposed to the Code of Conduct for Members and Officers dealing with Planning Matters as set out at Appendix A2.</p>	A2