

**To: Members of the Special Sub-Group**

**Councillors Hayfield, Moore, Smith, M Stanley and Sweet**

**For the information of the other Members of the Council**

## **SPECIAL SUB-GROUP**

**22 August 2011**

The Special Sub-Group will meet in the Committee Room, The Council House, South Street, Atherstone, Warwickshire on Monday 22 August 2011 at 2.30pm.

### **AGENDA**

- 1 Apologies for Absence / Members away on official Council business.**
- 2 Declarations of Personal or Prejudicial Interests. (Any personal interests arising from the membership of Warwickshire County Council of Councillors Hayfield and Sweet, and membership of the various Town/Parish Councils of Councillors Moore (Baddesley Ensor) and M Stanley (Polesworth) are deemed to be declared at this meeting).**

## **PART A – ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

- 3 **Changes to Boards and the Special Sub-Group** - Report of the Assistant Chief Executive and Solicitor to the Council

### **Summary**

The report seeks the Sub-Group's approval to changes in the constitution and terms of reference of the Policy Boards and the Special Sub-Group and the creation of a Resources Sub-Committee.

The Contact Officers for this report are Steve Maxey (719438) or Jerry Hutchinson (719216).

- 4 **Council Vision, Priorities and Corporate Plan Key Actions – Implications Arising from the 2011 Elections** - Report of the Chief Executive

### **Summary**

The purpose of this report is to consider what actions need to be taken in relation to the Council's Vision, Priorities and Corporate Plan Key Actions, following the elections in May 2011, and to make appropriate recommendations.

The Contact Officer for this report is Jerry Hutchinson (719200).

- 5 **Public Speaking at Planning and Development Board Meetings** - Report of the Assistant Chief Executive and Solicitor to the Council

### **Summary**

The report seeks the Sub-Group's approval for a scheme to allow the public to speak on planning applications considered by the Planning and Development Board.

The Contact Officer for this report is Steve Maxey (719438) or Jerry Hutchinson (719200).

- 6 **Executive and Planning and Development Board Terms of Reference** - Report of the Assistant Chief Executive and Solicitor to the Council

### **Summary**

The report seeks the Sub-Group's approval to changes in the terms of reference of the Executive and Planning and Development Boards.

The Contact Officers for this report are Steve Maxey (719438) or Jerry Hutchinson (719216).

## **PART C – EXEMPT INFORMATION (GOLD PAPERS)**

### **7 Exclusion of the Public and Press**

#### **Recommendation:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.**

### **8 Accommodation Review - Report of the Management Team**

The Contact Officer for this report is Richard Dobbs (719440).

### **9 Senior Management Structure - Report of the Chief Executive**

The Contact Officer for this report is Jerry Hutchinson (719200).

JERRY HUTCHINSON  
Chief Executive

**For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail – [davidharris@northwarks.gov.uk](mailto:davidharris@northwarks.gov.uk).**

**For enquiries about specific reports please contact the officer named in the report.**

**Agenda Item No 3**

**Special Sub-Group**

**22 August 2011**

**Report of the Assistant Chief Executive  
and Solicitor to the Council**

**Changes to Boards and the  
Special Sub-Group**

**1 Summary**

- 1.1 The report seeks the Sub-Group's approval to changes in the constitution and terms of reference of the Policy Boards and the Special Sub-Group and the creation of a Resources Sub-Committee.

**Recommendation to the Council**

- a That the number of Members on the Executive, Resources and Community and Environment Boards be reduced to nine;**
- b That substitutes for all Boards be allowed in accordance with the scheme set out in revised Standing Order 23 in the Appendices to this report;**
- c That responsibility for Human Resource matters be given to the Special Sub-Group;**
- d That Appeals Panels consist of either the Chairman of the Special Sub-Group or the Chairman of the Resources Board together with three other Members from either the Special Sub-Group or the Resources Board and that all the Council's policies that refer to Appeals Panels or similar be amended accordingly;**
- e That a Sub-Committee consisting of 5 Members of the Resources Board be appointed with delegated powers over Housing matters as set out in the attached Appendix;**
- f That the changes to the Constitution detailed in the Appendices to this report be approved; and**
- g That the above changes be reviewed by a cross party task and finish group with a view to evaluating whether other forms of decision making structures would be more effective.**

## 2 Report

- 2.1 Leading Members have been discussing with Officers a number of options for making the Council's decision making process more efficient. In order for Members to attend fewer but more focussed meetings a number of suggestions are made. These are summarised in the recommendations above. A number of other measures have been suggested and are considered elsewhere on the agenda.
- 2.2 The rationale for reducing the number of Members on the Policy Boards is to reduce the number of meetings that Members need to attend and allow them instead to focus in more detail on their remaining responsibilities.
- 2.3 The recommendation to allow substitutes will help to ensure that no further reductions to the numbers of Members involved in particular decisions occurs. However the scheme detailed in the Appendices is to give some formality and discipline to the system, so that substitutions can be arranged in good time.
- 2.4 Leading Members are of the view that moving Human Resource matters to the Special Sub-Group will allow a deeper consideration of this important element of the Council's work. At the moment our Human Resource Policies provide that any Members Appeal Panels consist of the Chairman and Vice-Chairman of the Resources Board together with two other Members of the Resources Board. Given the proposed changes it is suggested that this be changed to either the Chairman of the Special Sub-Group or the Chairman of the Resources Board together with three other Members from either the Special Sub-Group or the Resources Board. For the avoidance of doubt there is nothing to stop both Chairmen being on the Panel.
- 2.5 Likewise, a dedicated Housing Sub-Committee will allow for more consistent study of this work. It is suggested that this Sub-Committee has formal delegated powers so that any decisions made need only then be reported back for information to the Resources Board. This will ensure that these matters are not decided on twice, with the resultant waste of Member and Officer time.
- 2.6 The overall intention however is for these changes to be temporary whilst a wider review of our governance and decision making arrangements are carried out.

The Contact Officers for this report are Steve Maxey (719438) or Jerry Hutchinson (719216).

**STANDING ORDER No. 23**  
**Appointment of Boards, Committees, Panels, Forums and Portfolio Holders**

23. (1) The Council will, at its Annual Meeting, appoint such Boards, Committees, Panels, Forums and Portfolio Holders and Substitutes as it is required to appoint under any statute or by virtue of its Constitution.
- (2) The Council will, at the Annual Meeting, decide how many Members will serve on each of the above bodies it appoints for the forthcoming year and will appoint their Chairmen and Vice-Chairmen (with the exception of the Standards Committee which shall appoint its own Chairmen and Vice-Chairmen) together with other Members after considering recommendations from the Leader of the Council and the Leaders of the other political groups on the Council. The Council, on the recommendation of these Members, will also appoint the Portfolio Holders
- (3) The Council can, at any time:-
- (a) appoint other Boards, Committees, Panels, Forums, other bodies or Portfolio Holders; or
  - (b) dissolve or alter the Membership including Substitutes of any Board, Committee, Panel or Forum it appoints or change a Portfolio Holder appointment.
- (4) A body can appoint, from its own Members, Panels, Sub-Committees or Task and Finish Groups for purposes specified by the appointing body within its terms of reference. When such a Panel, Sub-Committee or Task and Finish Group is appointed, the Chairman and Vice-Chairman of the appointing body are automatically Members of the Panel, Sub-Committee or Task and Finish Group concerned and are, respectively, its Chairman and Vice-Chairman, unless they inform the Chief Executive to the contrary.
- (5) The minutes of a Panel, Sub-Committee or Task and Finish Group must be reported to its parent body for approval or, if it has delegated powers, for information.
- (6) No Member's term of office on one of these bodies will extend beyond the date of the next Annual Meeting of the Council, with the exception of the Independent Members of the Standards Committee who may be appointed for periods of longer than one year.

- (7) A resignation of a Member from a Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group will take effect when written notice is received by the Chief Executive.
- (8) Casual vacancies on Boards, Committees, Panels or Forums caused by death, resignation or disqualification will be filled by the Council. Casual vacancies on bodies appointed under Standing Order No. 23(4) will be filled by the parent body.
- (9) Those Members nominated as Substitutes in accordance with this Standing Order may attend any meeting of the Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group in the absence of any other Members of that Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group provided that 2 working days notice has been given to the Chief Executive. That notice may be given by the Group Leader, the Member or the Substitute. Any Member acting as a Substitutes shall have the same powers as, and shall in all other regards be counted as, a Member of the Board, Committee, Panel, Forum, Sub-Committee or Task and Finish Group

## **SPECIAL SUB-GROUP**

### **A Terms of Reference**

1. Senior staff appointments.
2. Single Status issues.
3. North Warwickshire Accommodation Project.
4. Emergency Planning.
5. Long Term Sickness Absence.
6. Housing Partnership Procurement.
7. Variations to the staffing establishment below Assistant Director/Assistant Chief Executive level.
8. Recruitment, training, welfare and pay and conditions of service of all employees, (except the Chief Executive, Directors, Assistant Directors and the Assistant Chief Executives) including retirement; redundancy; severance; superannuation and compensation arrangements; health and safety; and grievance and disciplinary matters.
9. Any other issues may be delegated to it from time to time.

### **B Powers Delegated to the Board**

All matters listed under heading A above.

### **C Powers Delegated to Officers**

#### **Chief Executive**

- (a) The appointment and dismissal of, and taking disciplinary action against any member of the Council's staff, other than the Head of the Authority's Paid Service, the Directors and Assistant Directors of the Council, and its Assistant Chief Executive. These functions are required to be incorporated in the Council's Constitutional Standing Orders by virtue of Part IV of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001, which came into effect on 7 November 2001.

N.B. These functions may be discharged by an Officer nominated by the Chief Executive.

- (b) To make such temporary appointments as may from time to time be necessary.



- (c) To determine applications received under the Early Retirement/Severance Scheme, following consultations with the Leader of the Council and Chairman of the Resources Board.

**D Powers Delegated to Area Forums**

None.

## THE RESOURCES BOARD

### A Main Terms of Reference

- 1 Develop strategies and policies, within its terms of reference, and put them to the Executive Board for consideration and submission to the Council for approval (the Scrutiny Board must be advised of strategies and policies which are being developed, so that it can decide which of these it wishes to consider. The Scrutiny Board will then put its views to the Executive Board prior to that Board's submission to the Council).
- 2 Managing the Housing Revenue account and receiving monitoring recommendations from the Housing sub-committee. Managing and monitoring the Council's other budget and overall financial situation including requests for supplementary estimates.
- 3 Revenues, non-domestic rating and Council Tax matters.
- 4 Rent Allowances; and Housing and Council Tax Benefits.
- 5 Concessionary Fares.
- 6 Insurance and Risk Management.
- 7 Members' Allowances, including reports from the Independent Remuneration Panel.
- 8 Applications for financial assistance, other than those coming within the purview of the Community and Environment Board.
- 9 Maintenance and management of the Council's land and property holdings, facilities and assets, including:
  - (a) operational buildings including The Council House, Old Bank House and the Sheepy Road Depot
  - (b) land holdings and the Property Portfolio
  - (c) industrial, commercial and shop properties
  - (d) Car parks, bus shelters and public conveniences
  - (e) the vehicle fleet
  - (f) property which does not come under the control of any other Board
- 10 Member Support, Development and Training.

- 11 Mayoral facilities, support and functions.
- 12 Central/Internal Support Services (ie, Finance; Internal Audit; Information and Communications Technology; Legal and Estates; Policy Support; Democratic Services; and Member Support Services).
- 13 E-Government Issues
- 14 Submission to the Council of an annual report on the work undertaken by the Board during the year.
- 15 To receive the annual report of the Principal Auditor on the Corporate Counter-Fraud Strategy.
- 17 .
- 16 The Borough Care Community Alarm and Visiting Service and its associated areas of activity, including elderly care issues.
- 17 Authority to make arrangements to undertake call monitoring for individuals in the Borough, who do not qualify for the full Borough Care Service, and in other areas (on behalf of the relevant local authorities and other bodies); and, in consultation with the Assistant Director (Finance and Human Resources), to determine the appropriate weekly charge from time to time.
- 18 The Council's Out of Hours Emergency Response Service.
- 19 Management and development of Closed Circuit Television Schemes.
- 20 Animal Welfare, control of Dogs and pest control.
- 21 Local Land Charges

## **B Powers Delegated to the Board**

All matters coming within its terms of reference, with the exception of Members' Allowances, and subject only to the call-in powers of the Scrutiny Board and the exceptions mentioned in paragraph 2 of the introduction to this part of the Constitution.

## **C Powers Delegated to the Housing Sub-committee**

- (a) maintenance of the Council's housing stock - Council estates

- (b) monitoring of the Housing Revenue Account and making any recommendations on its management to the Resources Board
- (c) Council housing management issues including homelessness, tenancy matters, rent arrears and possession proceedings
- (d) Private sector housing functions, including the renovation, repair and improvement of individual properties; closure and demolition of unfit properties; and harassment and unlawful eviction cases under the Protection from Eviction Act, 1977.
- (e) Partnerships and relationships with Registered Social Landlords and other housing providers, including issues of housing need and supply

#### **D Powers Delegated to Officers**

- (i) **Chief Executive, Deputy Chief Executive, Assistant Chief Executive and Solicitor to the Council, Assistant Chief Executive (Community Services) and the Assistant Directors.**

To agree to the attendance of employees and Members on training courses (including day and block release courses) in accordance with the Council's approved Training budget.

- (ii) **Chief Executive**

- (a) Authority to administer the Staff Car Scheme.
- (b) To authorise the granting of car purchase loans within the Council's approved policy.
- (c) To determine, in consultation with the Mayor, the form and content of hospitality to be offered to visitors.
- (d) To make arrangements, in consultation with the Mayor, for the Annual Civic Service and the Annual Civic Function and other mayoral engagements.
- (e)
- (h) To accept, in consultation with the Chairman, insurance renewal terms. (In the absence of the Chief Executive this authority may be exercised by the Deputy Chief Executive).

- (iii) **Deputy Chief Executive**

- (a) The power to declare mortgage interest rates under Section 438 and Schedule 16 of the Housing Act, 1985.

(This power is to be exercised after consultation with the Chairman and Vice-Chairman of the Resources Board).

- (b) Management of the Hospitality Account.
- (c) Powers delegated in the Council's Financial Regulations and Code of Treasury Management.
- (iv) **Deputy Chief Executive, Assistant Director (Finance and Human Resources) and Assistant Chief Executive (Community Services)**
  - (a) Unlimited approval for cheque signing purposes, to release money transfers and to sign official orders.
- (v) Assistant Chief Executive and **Solicitor to the Council**
  - (a) The granting of tenancies up to 3 years of land or premises temporarily surplus to requirements.
  - (b) The granting of easements over or under Council land to statutory undertakers and public bodies, including connecting into the Council's drainage system.
  - (c) The approval of terms for the sale of land on the Holly Lane Industrial Estate, Atherstone.
  - (d) The granting of leases and licences and the approval of applications for the assignment of all Council owned shops, factory units, industrial premises, workspace units and office premises (those over The Arcade shops in Long Street, Atherstone), subject to the receipt of satisfactory references for the prospective assignees and to the payment of all sums due to the Council in respect of the property by the date of assignment
  - (e) Fixing the level of rent increases for factory units, industrial premises, shops and offices after taking valuation advice; and determining the dates of implementation of such increases.
  - (f) Negotiations for the transfer to the Council of open spaces and amenity areas on private housing and industrial estates, in accordance with the Council's policy.
  - (g) Authority to institute legal proceedings, in consultation with the Chairman of the Board and the Assistant Director (Streetscape) for:-
    - (i) any contraventions of the provisions of Off Street Parking Places Orders made by the Council;
    - (ii) any unauthorised use of Council owned land by mobile food traders; and

- (iii) the recovery of outstanding fixed penalty charges for parking.
  - (h) Authority to consider Surveillance Requests, under the Regulation of Investigatory Powers Act, 2000. In his absence, this power may be exercised by any other member of the Council's Management Team, and in the absence of all members of Management Team by any other member of the Council's Extended Management Team.
  - (i) Authority to commence proceedings for offences under Sections 111a or 112 of the Social Security Administration Act 1992 following a recommendation to that effect by the Assistant Chief Executive (Community Services) and provided that he is satisfied that the evidence available supports the course of action.
  - (j) Authority, in consultation with the Chairman and the Assistant Director (Housing), to seek an ex-parte Court injunction, where urgent action is required to control nuisance.
  - (k) Authority to serve Notice of Seeking Possession or Notice to Quit, as appropriate, on any remaining under-occupying occupants of a Council property on the death of the secure tenant.
  - (l) The sale of Council houses and the granting of 125 year leases of Council flats under the Government's Right to Buy legislation.
  - (m) Exercise the Council's functions under the Protection from Eviction Act 1977, and any amendments thereof in relation to unlawful eviction or harassment, including the institution of proceedings.
  - (n) Applications to a Magistrates Court for a Removal Order or an Emergency Removal Order, under the National Assistance Acts, in respect of persons in need of proper care and attention, where the necessary certificate is given by the District Medical Officer or the District Medical Officer and a Registered Medical Practitioner.
  - (o) Arrangements, through appropriate officers, for the temporary protection of properties normally occupied by the persons the subject of an order referred to at (k) above.
- (vi) **Assistant Director (Finance and Human Resources)**
- (a) Powers to manage the Council's loan debt, including authority to make arrangements for the raising and repayment of loans related to the Council's cash requirements.
  - (b) The payment of accounts.

- (c) Apply the maximum allowances for Mileage and Subsistence, as prescribed from time to time by the Secretary of State with effect from the relevant date.
- (d) Power to write off, as irrecoverable, individual arrears not exceeding £1250.
- (e) Authority to refer outstanding debts to debt collection agencies for recovery.
- (f) Authority to approve the payment of professional subscriptions.

(vii) **Assistant Chief Executive (Community Services)**

- (a) The making of proposals, objections, or agreements related to the Valuation List and to attend local Valuation Tribunals.
- (b) Authority to make refunds of overpaid rates, subject to issue of a notification from the Valuation Officer.
- (c) The recovery of non-domestic rates and Council Tax including the issue of notices and the power to prosecute or defend in proceedings before the Magistrates Court. (These powers have also been delegated to Ian Buckingham, Steven Farmer and Mike Shaw).
- (d) Issue travel concession passes or tokens within the policy approved by the Council.
- (e) Power to write off, as irrecoverable, individual rent or other arrears not exceeding £1250.
- (f) Power to administer the Housing Benefit and Council Tax Benefit Schemes. (This power may be exercised, in the absence of the Assistant Chief Executive (Community Services) by the Deputy Chief Executive or the Customer Services and Benefits Manager).
- (g) Power to administer, on behalf of the Council, the Collection Fund established under Section 89 of the Local Government Finance Act, 1988.
- (h) The Power, in consultation with the Chairman of the Board, to determine all future applications received for Discretionary Rate Relief from Rural Businesses in respect of Non-Domestic Rates. (Annual report to be submitted to the Board on all applications approved under this delegation).

(viii) **Assistant Director (Streetscape)**

- (a) Letting of the Council Chamber and Committee Room, in accordance with the Council's approved policy.

- (b) Operational management of the Civic Offices and Depot.
  - (c) Approval of applications for the use of Council owned car parks.
  - (d) Authority to exercise the Council's powers, under the relevant Articles of the Council's Off Street Parking Places Orders, to close temporarily any or all the parking spaces or places; and to suspend any or all of the provisions of the order, in so far as such closures and suspensions relate to events approved under (c) above.
  - (e) The maintenance of land and premises within the control of the Board.
  - (f) Purchase and pricing of items for sale from vending machines.
  - (g) To determine applications by charitable organisations for the use of recreational and other facilities at free or concessionary rates, subject to recovery of heating, lighting and other costs from the organisation and to a report being submitted for information to the next meeting. (This power is to be exercised after consultation with the Chairman and Vice-Chairman of the Board).
  - (h) Power to determine applications for the use of Council owned land by circuses and fun fairs, subject to consultation with the Chairman and Vice-Chairman of the Board and to compliance with Minute No 19 of the Leisure Services Committee meeting held on 27 July 1987.
  - (i) Amenity grass cutting, under the delegation agreement with the County Council.
- (ix) **Assistant Director (Housing)**
- (a) The repair of Council dwellings (including planned maintenance) either through the Direct Services Organisation or by contract, subject to compliance with Standing Orders.
  - (b) To determine applications to erect covered ways, verandas, conservatories and other outbuildings; to undertake other alterations to Council dwellings; and applications for the erection by tenants of individual garages and hard standings in front gardens subject to the necessary planning and/or building regulations approvals being obtained.
  - (c) The valuation of buildings attached to Council property where compensation is payable upon termination of the tenancy.
  - (d) To allocate Council owned dwellings in accordance with the Council's agreed Allocations Policy, current legislation and Government Guidance.



- (e) To allocate garages and parking spaces.
  - (f) Homelessness matters arising from Part VII of the Housing Act, 1996.
  - (g) To grant applications for the use of Communal Centres in Sheltered Dwelling Schemes in approved circumstances.
  - (h) The power to serve Notices of Seeking Possession for contraventions of tenancy conditions – this power is to be exercised in consultation with the Chairman of the Board.
  - (i) The approval of applications for Housing Renovation and Disabled Facilities Grants.
  - (j) To determine applications for Home Repairs Assistance Grants.
  - (k) The service of notices under the following legislation:-
    - (i) Public Health Act 1936 – Sections 83 (filthy or verminous premises) and Environmental Protection Act 1990 – Sections 79 to 80 (disrepair causing a statutory nuisance)
    - (ii) Building Act 1984 – Section 76 (disrepair requiring urgent attention)
    - (iii) Housing Act 1985 – Sections 189 (repair notice for an unfit house), 190 (repair notice for a house in a state of disrepair), 338 (notice to abate overcrowding), 352 (power to require works to render premises fit for number of occupants in houses in multiple occupation), 354 (power to limit number of occupants), 358 (overcrowding notice) and 364 (power to require information where an overcrowding notice is in force)
  - (l) Authority to serve Deferred Action or Renewal Notices, in appropriate cases, under the relevant provisions of the Housing Grants, Construction and Regeneration Act, 1996.
  - (m) Payment of compensation for home loss and disturbance, under the provisions of the Land Compensation Act 1973, on the basis of the advice of the Council's Valuer in connection with disturbance compensation.
  - (n) Securing the repayment of Improvement Grants, in accordance with the Council's policy, where a breach of grant conditions has occurred. (Where hardship is claimed, the case will be determined by the Board).
- (x) **Assistant Director (Corporate Services)**

Authority, subject to Management Team approval, to issue amendments from time to time to the Council's Computer Security Policy Guidelines.

(xii) **Generally**

Powers as defined in the Council's Financial Regulations.

**E Powers Delegated to Area Forums**

None.

## **Agenda Item No 4**

### **Special Sub-Group**

**22 August 2011**

#### **Council Vision, Priorities and Corporate Plan Key Actions – Implications arising from the 2011 Elections**

### **Report of the Chief Executive**

## **1 Summary**

- 1.1 The purpose of this report is to consider what actions need to be taken in relation to the Council's Vision, Priorities and Corporate Plan Key Actions, following the elections in May 2011, and to make appropriate recommendations.

#### **Recommendation to the Sub-Group**

**That the Chief Executive be authorised to report to the Executive Board recommending:-**

- (a) that the Council's Vision, Logo and Priorities be confirmed as set out in Appendix 1 to this report; and**
- (b) that Appendix 2 be adopted as the format for the Council's Priorities and Corporate Plan Key Actions and that further reports be brought on any proposals for the areas in italics in Appendix 2 which require additional budget provision to take forward in the current financial year.**

## **2 Background**

- 2.1 At its meeting on 27 June 2011, the Executive Board considered my report on the Council Constitution, Priorities and Corporate Plan – Implications arising from the 2011 Elections.
- 2.2 The report included a number of recommendations, including authorising the Special Sub-Group to:-
- (i) review and make appropriate interim arrangements to revise the Council's Priorities and Key Actions;
  - (ii) review the Council's Constitutional arrangements relating to Boards, including the role of Portfolio Groups and Portfolio Holders; and
  - (iii) in the event of there being any proposed changes arising from (ii), to request the Independent Panel on Members' Allowances to review and report on the implications of these changes on the Members' Allowances Scheme.

- 2.3 The report also recommended that a further report be taken to the next Executive Board recommending consequential changes to the Council's Constitution, Priorities and Corporate Plan, including any consequential financial implications.

1 Vision & Logo

The Leader of the Council has indicated that the Council's Priorities and Vision should reflect the changes in the environment that the Council is now operating in and its impact on local people. With this in mind, the New Administration's Vision is proposed to be "North Warwickshire, a place where people want to live, work, invest and visit. A Council that, despite tough times, maintains its front line services and works to improve the health and well-being and the economic environment of its communities." It is also proposed that the Council adopts the logo "North Warwickshire Borough Council – on the side of the people in tough times".

2 Priorities

The Council agreed its Priorities and Key Actions for 2011-12 at the Council meeting in February. It was agreed at that meeting that these should not be converted into a Corporate Plan on the basis that, post Election, the new Administration may want to review and revise Priorities and Key Actions.

Following my report to Executive Board in June, I have now held discussions with the Leader of the Council and a revised set of Council Priorities are proposed. These, along with the Vision, are set out at Appendix 1 to this report. The Priorities still relate to delivering key services and tackling priority areas such as Access and Health Equalities, but specific emphasis has been given to a number of issues including jobs, recycling and consultation.

Appendix 2 sets out the Council's agreed Targets for 2011-12, but under the headings of the new priorities. In addition, the Appendix lists other areas which the Administration will be reviewing during the rest of the year. Any formal proposals requiring additional funding will be the subject of separate reports in due course.

Any potential areas for changes to the agreed Corporate Priorities and Key Actions are shown in italics (bold) in Appendix 2.

- 2.4 As has been the case previously following a change of Administration, I am not recommending a complete review of key objectives and actions at this stage, but rather that the Council's Vision be changed, that we also adopt a Logo version of the Vision for use in communications, where appropriate, that the new Priorities, as set out at Appendix 1, be agreed and that Appendix 2, subject to any changes agreed by the Group, be substituted for the previously agreed Priorities and Key Actions. Work will commence on taking forward the changes and new areas identified in italics in Appendix 2, and these will be either:-

- (a) subject of formal reports, including financial implications for areas to be completed during the current financial year; or
- (b) incorporated into next year's Corporate Plan and Budget when this is not the case.

### 3 **Constitutional Changes**

3.1 The changes to Council Priorities means that our Priorities no longer reflect existing Portfolio arrangements. In discussions with the Leader of the Council and following my earlier report, the opportunity has been taken to review our current Constitutional arrangements in relation to Portfolios and Board Membership and these are the subject of a separate report on the Agenda.

### 4 **Consultation**

#### 4.1 **Portfolio Holder, Shadow Portfolio Holder and Ward Members**

4.1.1 The Portfolio Holders and Shadow Portfolio Holders have been sent a copy of this report.

### 5 **Report Implications**

#### 5.1 **Finance and Value for Implications**

5.1.1 Where possible, targets and indicators for 2011-12 will be achieved from within existing Board resources. Details of any additional funding are included in the right hand column of the table in Schedule A and in the Budget report and will be in appropriate cases, the subject of reports to the Board.

None at this stage. Consequential changes to the Budget and Key Actions would be the subject of separate reports.

#### 5.2 **Human Resources Implications**

5.2.1 Any Human Resources implications resulting from the proposals in the Schedule will be the subject of further reports to the Board.

#### 5.3 **Risk Management Implications**

5.3.1 The main risk is ensuring that the Council prioritises its resources to enable it to deliver its priorities. The performance monitoring arrangements set out above provide the mechanism to ensure that remedial action can be taken to review progress and ensure that priority outcomes are delivered.

#### 5.4 **Links to Council's Priorities**

5.4.1 These are set out in the Appendices.

The Contact Officer for this report is Jerry Hutchinson (719200).

### **Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>

## OUR VISION

“North Warwickshire, a place where people want to live, work, invest and visit.  
A Council that, despite tough times, maintains its front line services and works to improve the health and well-being and economic environment of its communities.”

## OUR LOGO

“North Warwickshire Borough Council – on the side of the people in tough times.”

## OUR 10 PRIORITIES

- **PUBLIC SERVICES AND COUNCIL TAX**      Protecting public services for local people whilst maintaining a balanced budget and keeping Council Tax increases lower than inflation.
- **LOCAL EMPLOYMENT**      Bringing more jobs to North Warwickshire, whilst seeking to protect existing jobs and developing our workforce.
- **ENVIRONMENT**      Protecting and improving our local environment.
- **RECYCLING**      Improving recycling.
- **CRIME AND DISORDER**      Working with the Police, Parish Councils, Town Councils, the community and other partners to tackle Crime and Anti-Social Behaviour.
- **COUNTRYSIDE AND HERITAGE**      Protecting and improving our countryside and heritage.
- **HOUSING**      Listening to and working with our tenants to maintain and improve our housing stock and providing affordable housing in the right places.
- **ACCESS TO SERVICES**      Providing easier access to Council services, particularly through the internet.
- **CONSULTATION AND COMMUNICATION**      Improving communication of information and community consultation, including, where appropriate, providing the opportunity to be involved in decision making.
- **HEALTH AND WELL-BEING**      Helping to tackle health inequalities by working with the County Council and the NHS locally and by encouraging, where financially viable, leisure opportunities in local communities.

## PRIORITIES AND KEY ACTIONS

<p><b>PRIORITY 1</b></p> <p><b>PUBLIC SERVICES AND COUNCIL TAX</b></p>	<p><b>Protecting public services for local people, whilst maintaining a balanced budget and keeping Council Tax increases lower than inflation.</b></p>
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<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
<p>To achieve the savings required by the budget strategy and to update the strategy to reflect future developments by October 2011.</p> <p><i>Including carrying out reviews of:-</i></p> <ul style="list-style-type: none"> <li>▪ <i>The Council's constitutional structure, including the Members' Allowance Scheme.</i></li> <li>▪ <i>Staff Travel</i></li> <li>▪ <i>Members' Travel (this is likely to be implemented in December given the need to convene the Independent Panel)</i></li> <li>▪ <i>Area Funding</i></li> <li>▪ <i>Car Parks</i></li> </ul>	<p>Executive Board/Resources Portfolio/DCE, AD (F&amp;HR), AD (L&amp;CD)</p>	<p>To be met within existing budgets.</p> <p><i>The financial implications of the reviews will be reported as part of the decision-making process.</i></p>

Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
To carry out reviews of systems in line with the Council's review plan and explore any opportunities for shared working that may arise.	Executive Board/Resources Portfolio/Management Team	To be met within existing budgets.
To implement identified improvement works to the Council's main offices to ensure the ongoing provision of services to the local community while safeguarding the safety and security of all residents, staff and visitors who use The Council House building <i>and seeking to make the buildings more environmentally friendly.</i>	Resources Board/Executive Board/Special Sub/DCE, AD (S)	Will have capital and revenue implications which will be reported as part of the decision making process.
<i>To develop an action plan to resolve ongoing capital and maintenance issues with all other Council buildings, including the Memorial Hall, The Arcade, Abbey Green, community buildings, shops and industrial units, including seeking ways to reduce, where possible, our carbon footprint.</i>	<i>Resources Board/AD (S), AD (L&amp;CD)</i>	<i>Will have capital and revenue implications which will be reported as part of the decision making process.</i>
To continue to contribute to the effectiveness and savings targets through the delivery of the Procurement Strategy Action Plan.	Resources Board/Resources Portfolio/AD (CS)	To be met within existing budgets.



<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
To continue to contribute to the effective delivery of services through implementing the actions identified in the ICT Strategy Action Plan.	Resources Board/Resources Portfolio/AD (CS)	To be met within existing budgets.
To carry out the preparatory work needed, ready for the implementation of the 'self financing' model for the Housing Revenue Account in time for the proposed implementation date of April 2012.	Resources Board/Housing Portfolio Group/DCE, AD (H), AD (F&HR)	To be assessed when further detail is known.
To continue to look for ways of narrowing the Council's capital funding gap and report annually in February.	Executive Board/Resources Portfolio/DCE, AD (F&HR), AD (S)	To be met within existing budgets.
To ensure that the Council is prepared for emergencies and has suitable emergency and business continuity plans, as required by the Civil Contingencies Act, and to review both the emergency and business continuity plans annually in March.	Executive Board/CE	To be met within existing budgets.

<b>PRIORITY 2</b>	
<b>LOCAL EMPLOYMENT</b>	<b>Bringing more jobs to North Warwickshire, whilst seeking to protect existing jobs and developing our workforce.</b>

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
To continue to work with partners in the Coventry & Warwickshire Local Enterprise Partnership and with Hinckley and Nuneaton to maximise opportunities <i>to gather feedback</i> to develop the economy of the Borough and to report on progress by October in each year.	Executive Board/ACE&StC	To be met within existing budgets.
To undertake work in line with the Human Resources Strategy, including:- <ul style="list-style-type: none"> <li>▪ Monitoring/managing sickness absence.</li> <li>▪ Ensuring compliance with employment legislation.</li> </ul>	Resources Board/Resources Portfolio/Management Team, AD (F&HR)	To be met within existing budgets.
To continue to raise aspirations, skill levels and attainment through recognised vocational qualifications, volunteering and targeted activities and help members of the community to achieve local and national accreditations and to report on progress by March 2012.	Community & Environment Board/Community Life Portfolio/AD (L&CD)	External funding will be required to undertake appropriate actions.

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
<i>To work with the County Council to provide training and to administer funding provided by the developers at Birch Coppice Industrial Estate to maximise opportunities for employment of local people.</i>	<i>Planning and Development Board/ACE&amp;StC/ACE(CS)</i>	<i>Use of Section 106 funding.</i>

<b>PRIORITY 3</b>	
<b>ENVIRONMENT</b>	<b>Protecting and Improving our local environment.</b>

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
To continue to take action to reduce the Council's carbon footprint and carbon emission in the Borough, in accordance with the Climate Change Strategy and Action Plan, and to report annually in March on progress.	Community & Environment Board/Environment Portfolio/ACE&StC	To be met within existing budgets.
To maintain the current high levels of street cleanliness to not less than 94%, targeting resources and working in partnership, where appropriate, to ensure that standards remain as consistently high as possible throughout the Borough.	Community & Environment Board/Environment Portfolio/AD (S)	To be met within existing budgets.
<i>To review the impact of newly introduced mowing equipment on the standard of grass cutting achieved across the Borough and subsequently assess whether the potential cost and viability of collecting grass cuttings should be explored.</i>	<i>Community &amp; Environment Board/Environment Portfolio/AD (S), AD (L&amp;CD)</i>	<i>The financial implications of any proposals will be reported as part of the decision-making process.</i>

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
To continue to work with Warwickshire County Council and other agencies to support and deliver activities that promote waste minimisation, recycling, litter awareness and reduce fly-tipping and dog fouling, including through education work that will be made available to all schools on a rolling programme. At least eight schools per year will be visited and the work will include support for the national eco-schools programme and targeted enforcement.	Community & Environment Board/Environment Portfolio/AD (S), AD (L&CD), AD (H)	To be met within existing budgets.
<i>To review and consider the potential to widen the role of Neighbourhood Wardens</i>	<i>Resources Board/Housing Portfolio/AD (H)</i>	<i>Any financial implications will be reported as part of the decision-making process.</i>
To commence the implementation of the new Grounds Maintenance specification by April 2011 to ensure that the Borough's open spaces are efficiently and effectively maintained to as high a standard as possible with the resources available.	Community & Environment Board/Environment Portfolio/AD (S), AD (L&CD)	To be met within existing budgets.

<b>PRIORITY 4</b>	
<b>RECYLING</b>	<b>Improving the role of Recycling.</b>

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
To work with partners to improve recycling across the Borough to not less than 36% (targeting poorer performing areas as necessary) while increasing the efficiency and cost-effectiveness of the Council's refuse collection service and to report on proposals to achieve this by September 2011 on initial outline proposals to further improve on this performance.	Community & Environment Board/Environment Portfolio/AD (S)	To be met within existing budgets.

<p><b>PRIORITY 5</b></p> <p><b>CRIME AND DISORDER</b></p>	<p><b>Working with the Police, Parish Councils and Town Councils, the community and other partners to tackle Crime and Anti-Social Behaviour.</b></p>
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Target	Board/Portfolio Holder/ Lead Officer	Additional Training/ Financial Implications
<p>To work with the community including young people to contribute towards the achievement of the partnership plan 2011 – 2012 actions and targets for the 2010/11 strategic priorities of:-</p> <ul style="list-style-type: none"> <li>▪ <i>Tackling</i> violent crime, including domestic abuse, alcohol related violence and young people as both offenders and victims of crime.</li> <li>▪ <i>Tackling</i> anti-social behaviour, including youth and alcohol related anti-social behaviour, small deliberate nuisance fires and the public perception of anti-social behaviour.</li> <li>▪ <i>Tackling</i> serious acquisitive crime, including domestic burglary and theft from vehicles.</li> <li>▪ Improving public perceptions and public confidence.</li> </ul> <p>Contribute towards the Warwickshire Reducing Re-offending Strategy.</p>	<p>Executive Board/Safer Communities Portfolio/CE, AD (L&amp;CD)</p>	<p>The Council will have to make additional contributions directly to sustain some existing interventions as the County-wide Area Based Grant allocations have been reduced significantly for 2011/12 and 2012/13.</p>

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
<i>When reviewing targets for 2012-13, to explore opportunities for the introduction of cameras to cover anti-social behaviour hot-spots in our villages and with the Police to consider the introduction of Alcohol Free Zones, the formal term for these are Designated Public Places Orders.</i>	<i>Executive Board/Safer Communities Portfolio/CE, AD (L&amp;CD)</i>	<i>Any financial implications will be reported as part of the decision-making process.</i>
To work with partner agencies to ensure the delivery of relevant actions arising through the safer neighbourhood processes and reporting progress to each Area Fora meeting.	Executive Board/Safer Communities Portfolio/CE, AD (L&CD)	External funding is often required to undertake appropriate actions.
To continue to develop and deliver targeted positive interventions, community safety projects and constructive leisure opportunities (eg Call4Sport, Activities4U, etc) to provide diversionary activities, reduce instances of anti-social behaviour and meet the wider needs and aspirations of young people, inter-generational work and wider community development activity, as detailed in the Leisure & Community Development Division's Service Plan.	Community & Environment Board/Safer Communities Portfolio/CE, AD (L&CD)	External funding is often required to undertake appropriate actions.



<b>PRIORITY 6</b>	
<b>COUNTRYSIDE AND HERITAGE</b>	<b>Protecting and improving our countryside and heritage.</b>

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
To publish a draft Core Strategy for consultation with the public by October 2011 that reflects the Council's priorities.	Executive Board/Planning Board/LDF Advisory Panel/Housing Portfolio/Countryside & Heritage Portfolio/ACE&StC	To be met within existing budgets.
To continue to oppose  (a) the HS2 proposal, in partnership with other affected Councils and community action groups, initially by responding to the statutory consultation in accordance with the published timetable; <i>and</i>  (b) <i>the principle of Opencast Mining.</i>	Executive Board/Countryside & Heritage Portfolio/ACE&StC	Should any additional funding be required, this will be subject to further report.
To move towards the management of development rather than its control by looking at development proposals as an opportunity to deliver the Council's priorities and objectives, as set out in the Sustainable Community Strategy and the Corporate Plan and not just the Development Plan. To report on this approach by March 2012.	Planning & Development Board/Countryside & Heritage Portfolio/ACE&StC	To be met within existing budgets.

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
Consideration of planning applications to ensure that only appropriate development is permitted in the Green Belt, that development is focused on the agreed settlement hierarchy and protects the best of our existing buildings. To report on this approach by March 2012.	Planning & Development Board/Countryside & Heritage Portfolio/ACE&StC	To be met within existing budgets.
Continue to use the Design Champions to ensure the best achievable designs are implemented in development. To report on the role of the Design Champions by March 2012.	Planning & Development Board/Design Champion/Countryside & Heritage Portfolio/ACE&StC	

<b>PRIORITY 7</b>	<b>Listening to and working with our tenants to maintain and improve our housing stock and providing affordable housing in the right places.</b>
<b>HOUSING</b>	

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
To publish a draft Core Strategy for consultation with the public by October 2011 that reflects the Council's priorities.	Executive Board/Planning Board/LDF Advisory Panel/Housing Portfolio/Countryside & Heritage Portfolio/ACE&StC	To be met within existing budgets.
To review the programme of work by May 2012, based on our stock condition information, and complete the current action plan, to maintain the Council's stock to a good standard and set out a local standard, in accordance with the Government guidelines for registered providers.	Resources Board/Housing Portfolio/AD (H)	To be met within existing budgets.
To report further to the Resources Board by June 2011 on current shared equity schemes and make recommendations for such a scheme in North Warwickshire.	Resources Board/Housing Portfolio/AD (H)	To be met within existing budgets.

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
To act on the objectives set out in the Warwickshire Local Investment Plan by appraising how public land holdings can be used to deliver affordable homes, find new ways of funding schemes and bringing empty homes back into use and to review the position annually from March 2012.	Resources Board/Housing Portfolio/AD (H)	Any financial implications will be identified as part of the review.
To report on the implications of the Localism Bill (when enacted) for housing services and take action where appropriate with regard to changes in legislation with regard to tenure, allocations, homelessness, tenant scrutiny and Housing Revenue Account Subsidy reform.	Resources Board/Housing Portfolio/AD (H)	Any financial implications will be identified as part of the review.
To work proactively with residents and partners to assist residents in the private sector to access funding to improve their homes (especially with regard to energy efficiency) and to report on progress annually from March 2012.	Resources Board/Housing Portfolio/AD (H)	To be met within existing budgets.
To review the services delivered by Community Support and report to Resources Board on issues and proposed improvement by March 2012.	Resources Board/Housing Portfolio/AD (H)	Any financial implications will be identified as part of the review.

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
To implement changes proposed from review of Home Improvement Agencies and Adaptations Services by June 2011.	Resources Board/Housing Portfolio/AD (H)	To be met within existing budgets.

<b>PRIORITY 8</b>	
<b>ACCESS TO SERVICES</b>	<b>Providing easier access to Council services, particularly through the internet.</b>

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
To report annually in March on the work of the local Financial Inclusion Partnership including for 2011/12 the BOB bus, CAB and Warwickshire Welfare Rights Activity.	Executive Board/Community Life Portfolio/ACE (CS)	Any financial implications will be identified if reports are needed and will be reported to Members for decision.
To report on the review of LEADER funding by May 2011, including identifying potential schemes for applications for funding in the light of revisions to criteria.	Community & Environment Board/Community Life Portfolio/AD (L&CD), ACE (CS)	Up to £1.03 million of LEADER funding was initially secured for North Warwickshire, although a 20% cut in available funding was imposed by DEFRA in 2011/12, whilst a 35% cut will be experienced in 2012/13, thereby resulting in an overall loss of over £240,000 to spend on community projects in the Borough. Training in respect of all aspects of the management and administration of the LEADER programme will be required for relevant staff.
<i>To report on proposals for improving access to services through Community Hubs.</i>	<i>Community &amp; Environment Board/Community Life Portfolio/ACE (CS)</i>	<i>Any financial implications will be reported as part of the decision-making process.</i>

<b>PRIORITY 9</b>	
<b>CONSULTATION AND COMMUNICATION</b>	<b>Improving communication of information and community consultation, including, where appropriate, providing the opportunity to be involved in decision making.</b>

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
To ensure that we assess the impact of our services on, and actively engage with, all sections of our communities and to report on ways of doing this by March 2012.	Executive Board/Community Life Portfolio/ACE&StC/ACE (CS)	To be met within existing budgets.
To research and develop options for extending the Council's consultation with stakeholders on financial savings options and report by July 2011.	Resources Board/Resources Portfolio/DCE	To be met from the existing budget and any additional financial implications will be assessed during the development of the options.
<i>To review the means of funding and frequency of North Talk.</i>	<i>Executive Board/ACE&amp;StC</i>	<i>Any financial implications will be reported as part of the decision-making process.</i>

<p><b>PRIORITY 10</b></p> <p><b>HEALTH AND WELL-BEING</b></p>	<p><b>Helping to tackle health inequalities by working with the County Council and the NHS locally and by encouraging, where financially viable, leisure opportunities in local communities.</b></p>
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<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
<p>To implement phase 4 of the North Warwickshire Green Space Strategy in accordance with the revised Action and Funding Plan <i>and within the context provided by the required Management Plans, to review the condition of our Recreation Grounds and Public Parks to ensure that they are fit for purpose and meet community need.</i></p>	<p>Community &amp; Environment Board/Health &amp; Well-being Portfolio/AD (L&amp;CD)</p>	<p>The significant resource implications are detailed in the supporting Action and Funding Plan. <i>Any further implications from the review will be reported as part of the decision-making process.</i></p>
<p>To implement the first year actions arising out of the Local Nature Reserve Project, including assisting with the recruitment of staff at Warwickshire Wildlife Trust and Groundwork West Midlands and delivering the activities and improvement work at Dafferns Wood, New Arley, and Kingsbury Linear Park.</p>	<p>Community &amp; Environment Board/Health &amp; Well-being Portfolio/AD (L&amp;CD)</p>	<p>£225,000 of external funding has been secured from Natural England's Access to Nature Programme. This has been matched by £30,000 of revenue funding from the Borough Council.</p>



<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
<p>Within the context provided by the evolving "Health, Well-being and Leisure Strategy" to determine by March 2013 and commence implementation of the agreed approach to the future provision, management and operation of the Council's leisure facilities, having particular regard to the short and long-term future of Coleshill Leisure Centre.</p>	<p>Community &amp; Environment Board/Health &amp; Well-being Portfolio/DCE, AD ((L&amp;CD)</p>	<p>The report to Members will include an assessment of any capital and revenue resource implications.</p>
<p>To work with partners to implement the North Warwickshire Playing Pitch Strategy in accordance with its supporting Action Plan.</p>	<p>Community &amp; Environment Board/Health &amp; Well-being Portfolio/AD (L&amp;CD)</p>	<p>The resource implications of the Playing Pitch Strategy (not all of which relate to the Borough Council) are detailed in the supporting Action Plan.</p>
<p>To review by September 2011 and revise, as necessary, the provisions and co-ordination of the NW Play Strategy and, thereafter, implement the Strategy's associated Action Plan accordingly.</p>	<p>Community &amp; Environment Board/Health &amp; Well-being Portfolio/AD (L&amp;CD)</p>	<p>The associated resource implications are detailed in the supporting Action Plan.</p>
<p>To prepare a Play Area Business Plan by March 2012 to inform the implementation of a third phase of the Play Area Development Programme to ensure that all Borough Council facilities offer good play value, are accessible, secured by design and support the objectives of the NW Play Strategy.</p>	<p>Community &amp; Environment Board/Health &amp; Well-being Portfolio/AD (L&amp;CD)</p>	<p>The Business Plan will include a funding options appraisal, as there will be significant budgetary implications in improving play facilities at a minimum of six sites.</p>

<b>Target</b>	<b>Board/Portfolio Holder/ Lead Officer</b>	<b>Additional Training/ Financial Implications</b>
In conjunction with NHS Warwickshire, to continue to co-ordinate the sustainable development of Wellness Matters, including its expansion into targeted outreach communities and the promotion of healthy lifestyles, healthy eating and NHS Warwickshire's Stop Smoking Service and to report on progress annually in March.	Community & Environment Board/Health & Well-being Portfolio/AD (L&CD)	To be met within existing budgets.
<i>To continue to provide leisure support to the provision of activities for young people in both schools and during school holidays, including reviewing the potential to provide free swimming in school holidays.</i>	<i>Community &amp; Environment Board/Health &amp; Well-being Portfolio/AD (L&amp;CD)</i>	<i>Any additional financial implications, they will be the subject of a further report.</i>
To continue to ensure compliance with the Council's statutory responsibilities as a partner and Compact signatory within the Warwickshire Safeguarding Children Board, including the need to continue to implement the provisions of the Council's Child Protection Policy and to undertake a Section 11 self-assessment audit in line with WSCB requirements by May 2011.	Community & Environment Board/Health & Well-being Portfolio/AD (L&CD)	Internal "trainers" will continue to deliver the WSCB Level 1 course to relevant colleagues throughout the Authority.

Jerry Hutchinson  
12 August 2011

**Agenda Item No 5**

**Special Sub-Group**

**22 August 2011**

**Report of the Assistant Chief Executive  
and Solicitor to the Council**

**Public Speaking at Planning and  
Development Board Meetings**

**1 Summary**

- 1.1 The report seeks the Sub-Group's approval for a scheme to allow the public to speak on planning applications considered by the Planning and Development Board.

**Recommendation to the Planning and Development and Executive Boards**

- a That the scheme for public speaking at the Planning and Development Board detailed in the Appendix be adopted; and**
- b That the scheme be reviewed in twelve months time.**

**2 Report**

- 2.1 As part of the review of how business is done by the Council, Officers have been asked to prepare a scheme to allow members of the public to speak on planning applications to be determined by the Planning and Development Board.
- 2.2 A review of other authorities has shown that most schemes are broadly similar in that the time allocated to those who wish to speak against an application is the same as the time allocated to those who wish to speak in favour. This is a requirement to ensure the fairness of the hearing.
- 2.3 Those wishing to speak can raise questions generally but will not be allowed to question Members or officers individually. Members or officers may ask questions of those speaking but it is suggested that this would only be to clarify any points made.
- 2.4 The Planning Officer would then comment on remarks made by the public before the usual debate by Members.

2.5 Finally, it is suggested that the operation of the scheme be reviewed in twelve months.

### **3 Report Implications**

#### **3.1 Equality Implications**

3.1.1 All public meetings are held in the Council Chamber which has hearing loop facilities. Interpreters or translation services have been previously used which demonstrates that there could be language barrier issues for some communities. Mechanisms are in place to ensure that individuals or communities are not adversely affected.

#### **3.2 Environment and Sustainability Implications**

3.2.1 The opportunity for the public to be able to speak at the Planning and Development meetings is a positive step towards increasing community involvement and informing decision making.

The Contact Officers for this report are Steve Maxey (719438) or Jerry Hutchinson (719216).

1. Any member of the public, including the Applicant, wishing to ask a question or make a statement at a meeting of the Planning and Development Board must inform the Democratic Services section of the Authority at least two clear working days prior to the commencement of the meeting in writing, by e-mail or telephone. The notice must identify the agenda item and planning application number in question. Public speakers are also required to indicate whether they wish to speak in support of or against an application.
2. The Democratic Services section of the Authority will inform the Chairman presiding at the meeting, before the commencement of that meeting, of all questions and statements notified by any member of the public. Democratic Services will produce a list of public speakers for all members of the Board and relevant officers for the Board meeting.
3. A representative from the Democratic Services section of the Authority will be available half an hour before the start of each meeting to meet public speakers and explain the procedure.
4. On each agenda item the planning officer will introduce the proposal with a short presentation.
5. The Chairman will then invite those members of the public who have given prior notice to speak.
6. A total of three minutes is allowed for the objectors to an application. Where more than one person wishes to speak against an application, the time must be shared between the speakers accordingly or they may select a single speaker to represent the group. No questions may be asked by the speaker(s) of the officer or members.
7. The members of the Board and the planning officer may then ask the speaker(s) any questions of fact.

8. A total of three minutes is allowed for the Applicant or supporters of an application. Where more than one person wishes to speak in support of an application, the time must be shared between the speakers accordingly or they may select a single speaker to represent the group. No questions may be asked by the speaker(s) of the officer or members.
9. The members of the Board and the planning officer may then ask the speaker(s) any questions of fact.
10. The planning officer will then respond to any issues raised by the speakers.
11. The Board will then debate the proposal. The planning officer may at any time respond to points raised by members.
12. There will be no further public speaking unless at the discretion of the Chairman.
13. The Chairman will then take the matter forward to the vote.

## **Agenda Item No 6**

### **Special Sub-Group**

**22 August 2011**

#### **Report of the Assistant Chief Executive and Solicitor to the Council**

#### **Executive and Planning and Development Board Terms of Reference**

### **1 Summary**

- 1.1 The report seeks the Sub-Group's approval to changes in the terms of reference of the Executive and Planning and Development Boards.

#### **Recommendation to the Executive and Planning and Development Boards**

**That changes to the Constitution detailed in the Appendices to this report be approved.**

### **2 Report**

- 2.1 The Planning function of this Council is delegated in the main to the Planning and Development Board. However responsibility for strategic matters, in particularly planning policy, is delegated to the Executive Board.
- 2.2 Members and Officers have for some time been discussing this split in responsibilities and whether improvements can be made. There is a clear rationale for the highest level of policy matters to be retained by the Executive Board but there is also merit in the Planning and Development Board having more say on policy given it is the Board, together with Officers, which implements that policy.
- 2.3 The change suggested in the Appendices is that whilst the Executive Board should retain responsibility for the Core Strategy, that the Planning and Development Board be given delegated power to approve any of the documents that will sit underneath that over-arching policy. These documents include Development Plan Documents, Supplemental Planning Documents and Design Briefs.
- 2.4 The opportunity has also been taken to review a number of related matters in the Constitution and these documents are included within the Appendices. In particularly the scheme of delegation and the planning protocol have been reviewed. However no substantial changes are suggested, other than to reflect changes in officer arrangements.

The Contact Officers for this report are Steve Maxey (719438) or Jerry Hutchinson (719216).



## APPENDIX A

### THE EXECUTIVE BOARD

#### A Main Terms of Reference

- 1 Formulating the overall policy framework for Council approval. This will include:
  - (a) the Corporate Plan
  - (b) the North Warwickshire Sustainable Community Strategy,
  - (c) the North Warwickshire Local Development Framework save for those matters within the remit of the Planning and Development Board
  - (d) the Housing Strategy
  - (e) the Crime and Disorder Reduction Strategy
  - (f) the Health, Well-being and Leisure Strategy
  - (g) the Capital Strategy
  - (h) the Food Law Enforcement Service Plan
  - (i) such other Plans and Strategies as the Council may, from time to time, be required by statute or Government Direction to adopt or which the Council itself decides to adopt.

(N.B. The Scrutiny Board must be advised of strategies and policies which are being developed, so that it can decide which of these it wishes to consider. The Scrutiny Board will then put its views to the Executive Board prior to that Board's submission to the Council).
- 2 Arranging the overall finances of the Council (The Resources Board will manage and monitor the Council's budget and financial situation).
- 3 Annual Budget Preparation, including recommending the level of Council Tax.
- 4 Capital Programme.
- 5 Strategic and Local Development Framework issues, including developing and implementing the Sustainable Community Plan; commenting on Waste and Minerals Plan proposal from Warwickshire County Council; and submitting comments on the statutory plans of neighbouring Authorities.
- 6 Terms of Reference of the Boards, Standards Committee and Area Forums, together with their composition and any subsequent reviews of such matters.
- 7 Approval of the overall arrangements for the delegation of powers to Officers, Area Forums and other Committees.
- 8 Constitutional matters affecting the name, status, boundary and area of the Borough.
- 9 The structure, functions and administration of local government as they affect the Borough.
- 10 Electoral matters, including elections, electoral registration and Warding arrangements, other than those set out in Appendix C.
- 11 Matters involving more than one Board or where there is a difference of view between them.

- 12 Proposals to confer the titles of Honorary Alderman and Honorary Freeman, under section 249 of the Local Government Act 1972.
- 13 Representation on outside bodies.
- 14 Emergency Planning.
- 15 Submission to the Council of an annual report on the work undertaken by the Board during the year.
- 16 Approval of Arrangements for the appointment of the Chief Executive, Directors, Assistant Directors and the Assistant Chief Executive together with their pay and conditions of service.
- 17 Approval of the overall management structure and establishment of the Authority.
- 18 Any other matter not specifically allocated to another Board, Committee, Forum or the Council itself.

## **B Powers Delegated to the Board**

- (a) To determine the pay and conditions of service of the Chief Executive, Directors, Assistant Directors and the Assistant Chief Executive.
- (b) To implement the approved Crime and Disorder Strategy.
- (c) To approve the Council's Statement of Accounts.

## **C Powers Delegated to Officers**

### **(i) Various Officers**

In the case of emergencies, the Officers named in the County Major Emergency Plan and the Borough Emergency Plan shall have responsibility for the tasks respectively assigned to them in these documents.

### **(ii) Solicitor to the Council**

- (a) In consultation with the Ward Members for the area contained in the notice, to deal with consultation from the Police on authorisation notices allowing for the dispersal of groups.
- (b) In consultation with the Portfolio Holder and Shadow Portfolio Holder for Housing and the relevant Ward Members, power to instigate legal action against tenants in relation to nuisance issues, subject to him being satisfied that sufficient evidence exists to support such action.

## **D Powers Delegated to Area Forums**

None.

## THE PLANNING AND DEVELOPMENT BOARD

### A Main Terms of Reference for the Planning and Development Board

Within the policy framework of the Council and having regard to the Development Plan, Planning Policy Guidance Notes/Statements and development briefs, to deal with the undermentioned matters. (N.B. Where the Board proposes a course of action which would be contrary to any of the above, the application or matter shall be referred to the Council for determination along with the Board's recommendation).

- 1 Consider and determine applications for permission required under:-
  - a development control,
  - b demolition control
  - c listed building consent
  - d control of advertisements
  - e tree and building preservation and conservation
  - f Building Regulations (including dangerous buildings and structures)
  - g High Hedges Remedial Notices
- 2 Authorise the making of Orders and Agreements and the issue of Notices in connection with development control, planning enforcement, trees and listed buildings.
- 3 Authorise, in association with the granting of planning permission, the closure, diversion and creation of public rights of way, including public footpaths and bridleways.
- 4 Submit comments to the Warwickshire County Council, when consulted by them, on planning applications made by that Council.
- 5 Submit comments to neighbouring Authorities, when consulted by them on significant planning applications on or close to the Borough Council's boundaries.
- 6 Public Transport and Goods Vehicle Operator Licensing.
- 7 Requests from the Chief Constable for the Council to make Orders, under Section 13 of the Public Order Act 1986, to prohibit public processions in the Borough.
- 8 Approval of Development Plan Documents, Supplementary Planning Documents and Design Briefs
- 9 Consideration of Waste and Minerals Plan proposals and other statutory plans of neighbouring authorities for recommendation to the Executive Board

## **B Powers Delegated to the Board**

All matters listed under heading A above.

## **C Powers Delegated to Officers**

- (i) Assistant Chief Executive and **Solicitor to the Council**
  - (a) A general authority to institute proceedings under Section 35 of the Building Act 1984, against any person who fails to comply with a notice served under the Building Regulations 2000.
  - (b) A general authority to initiate proceedings for contraventions of the Town and Country Planning (Control of Advertisements) Regulations in relation to directional signs for housebuilding sites. (This power is to be exercised after consultation with the Chairman of the Board).
  - (c) Authority to determine whether or not proceedings should be commenced in respect of alleged breaches of advertisement control.
  - (d) Authority to take any enforcement action in respect of cases of unauthorised mobile snack vans/trailers adjacent to the highway.
  - (e) Determination of classes of planning applications defined in the Scheme of Delegation dated August 2010 – **(Copy attached at Appendix B)**
  - (f) Applications for determination under Section 64 of the Town and Country Planning Act 1990.
  - (g) Determinations whether “County Matters” are involved in planning applications under Schedule 1 of the Town and Country Planning Act 1990.
  - (h) Consultations, at his discretion, with neighbours on planning applications received.
  - (i) Decisions under the Building Regulations 2000 and the Building Act 1984 (including taking appropriate action in respect of dangerous buildings and structures under Section 29 of the Local Government (Miscellaneous Provisions) Act, 1982 to mitigate danger).
  - (j) Authority to forward to Warwickshire County Council written observations on:

- (i) Applications submitted for consultation purposes by that Council under the Town and Country Planning General Regulations 1992;
- (ii) Minerals applications;
- (iii) Waste Disposal applications

Subject in all three cases to the proposal being assessed as a “minor” matter by the Assistant Chief Executive and Solicitor to the Council and the Chairman and Ward Member(s) agreeing that the matter is a “minor” one and there is no dissent from the proposed observations of the Assistant Chief Executive and Solicitor to the Council .

NB An application shall be brought before the Board for consideration where there is a disagreement on the proposed observations; where there is known public interest in the proposal; or at the discretion of the Assistant Chief Executive and Solicitor to the Council .

- (k) Authority to make directions under Articles 4 and 5 of the Town and Country Planning General Permitted Development Order 1995 to prevent the holding of markets where there are planning grounds for doing so (this action is to be taken in conjunction with the Chairman of the Board and the Local Ward Members).
- (l) Authority to determine which planning applications should be publicised by newspaper or other advertisement, unless prescribed by legislation.
- (m) Power to issue Planning Contravention Notices.
- (n) Authority to pursue cases of alleged breaches of advertisement control.
- (o) Authority to determine whether to require an Environmental Impact Assessment Statement in respect of planning matters under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- (p) The submission of objections to the West Midlands Traffic Commissioner against applications under the Public Service Vehicles (Road Service Licences and Express Services) Regulations, 1980, subject to the objection being reported to the next available meeting.
- (q) The submission of objections to the West Midlands Traffic Commissioner against applications affecting bus services, after consultation with the Ward Members affected;

- (r) Notification to the party concerned of flyposting offences under the Town and Country Planning Act 1990.
  - (s) Power, in emergency circumstances, to make and serve Tree Preservation Orders, Building Preservation Notices and Stop Notices, in consultation with the Chairman of the Board and the Solicitor to the Council.
  - (t) Authority to reject High Hedges applications on the grounds of being frivolous or vexatious, or as insufficient attempts made to resolve without the involvement of the local authority.
  - (u) Authority, subject to consultation with the Local Ward Members, to either reject or uphold a High Hedges complaint once it has been registered and to issue any remedial notice.
  - (v) Authority to serve notices under section 215 of the Town and Country Planning Act 1990
- (ii) **Head of Development Control**
- (a) Authority to make representations on behalf of the Local Planning Authority in respect of Applications made pursuant to the Licensing Act 2003.
  - (b) Authority to make representations on behalf of the Local Planning Authority in respect of Applications made pursuant to the Gambling Act 2005.

**D Powers Delegated to Area Forums**

None.

**North Warwickshire  
Borough Council**



**Scheme of Delegation to the  
Assistant Chief Executive  
and Solicitor to the Council  
in respect of the Determination  
of Planning Applications**

**August 2010**

## 1. INTRODUCTION

- 1.1 This Scheme of Delegation enables the Assistant Chief Executive and Solicitor to the Council to undertake certain functions without reporting first to the Council's Planning and Development Board. The legal basis for this delegation from the Board is contained in Section 101 of the Local Government Act 1972, as amended.
- 1.2 In practice, delegation means the Assistant Chief Executive and Solicitor to the Council taking executive action on behalf of the Council. In the delivery of the planning control service, that means determining planning applications, and making decisions on related matters. The 'boundaries' for this delegation are outlined below by clearly stated and published rules.

## 2. THE PURPOSE OF DELEGATION

2.1 The purpose of delegation is to:

- ❖ leave the Board to focus its time and effort on the most significant matters that affect planning policy;
- ❖ help reduce the time taken for making the more straightforward decisions on planning applications, and related matters, when they are consistent with Council policy as set out in the Development Plan;
- ❖ help the Council to achieve a more flexible and responsive planning control service, so that it can speed up the process of decision making in line with Government guidance, National Indicators and Council objectives;
- ❖ simplify procedures so as to concentrate effort and resources where they are most needed; and
- ❖ release staff time so that it can be redirected to securing better quality development.

2.2 Hence this Scheme of Delegation, by operating within clear guidelines, will be able to deliver planning control decisions which are consistent with the Development Plan, routinely, and with greater speed than where little advantage is taken of delegation.

## 3. THE CONTEXT OF DELEGATION

3.1 This Scheme of Delegation takes into account the following matters which have provided the background against which it has been adopted.

- ❖ **The Development Plan:** The Planning legislation describes the concept of a "plan-led" decision making process, whereby planning decisions should be taken in accordance with the Development Plan. The Council's approach to new development proposals is thus already laid out in this Plan, and decisions on individual planning applications can be made accordingly.



- ❖ **The Human Rights Act 1998:** This Act requires the Council to act in a way which is compatible with European Convention Rights. This Scheme of Delegation has been prepared in this knowledge.

3.2 The basis for delegation has generally been accepted by all Local Planning Authorities. It has worked successfully in achieving a more flexible service responding to the variety of calls placed upon an Authority's planning control function. The Scheme outlined below will take North Warwickshire Borough Council's planning control service forward with an improved service delivery.

#### **4. THE SCHEME OF DELEGATION**

##### **A) Applications**

4.1 The following applications that are submitted to North Warwickshire Borough Council for determination, will be decided by the Planning and Development Board, following consideration of a written report from the Assistant Chief Executive and Solicitor to the Council which will contain a written recommendation in all cases:

- a) All applications that constitute material departures from the Development Plan.
- b) All applications that are required to be accompanied by an Environmental Impact Statement.
- c) All applications where an approval will involve a legal agreement under Planning legislation.
- d) All applications that are made wholly, jointly, or on behalf of North Warwickshire Borough Council, whether on Borough Council land or not, and any application that is made on Borough Council land.
- e) All major applications that are made by the County Council, or that are made jointly, or on behalf of Warwickshire County Council whether on its own land or not, within North Warwickshire.
- f) Any application that is submitted by or on behalf of any Member of the Council and any member of staff employed by the Council.

- g) Any application where a request based on material planning considerations is made in writing to the Assistant Chief Executive and Solicitor to the Council by any Borough Councillor for referral of that application to the Board.
- h) Any application where the Assistant Chief Executive and Solicitor to the Council considers it appropriate to report to the Board for determination.
- i) Any application where a statutory consultee has submitted an objection in writing, but yet where a recommendation of approval is to be made by the Assistant Chief Executive and Solicitor to the Council.
- j) Any application where, following the receipt of representations that are contrary to the Assistant Chief Executive and Solicitor to the Council's recommendation, and where either the Chair or Vice Chairman of the Planning and Development Board, or the Local Ward Member(s), disagree with that recommendation.

4.2 In all other cases, the determination of applications is delegated to the Assistant Chief Executive and Solicitor to the Council. Each determination shall be accompanied by a written report outlining the reasoning for that determination.

4.3 For the purpose of the Scheme of Delegation, the terms "application" and "Statutory Consultee", are defined in Annexe 'A' to this Scheme.

## **B) Consultations**

4.4 When an application is:

- ❖ submitted to the Warwickshire County Council as the Minerals Planning Authority, or the Waste Local Authority for determination, and North Warwickshire Borough Council has been consulted for its observations on that application, or
- ❖ when an application is submitted to a neighbouring Local Planning Authority for determination, and that Authority has consulted North Warwickshire Borough Council for its observations on that application, or
- ❖ when the Council is consulted by others on matters under legislation other than planning legislation, but where these matters are related to planning considerations, then

the principles outlined in paragraph 4.1 will apply as to whether the observations of the Council shall be made by the Assistant Chief Executive and Solicitor to the Council under delegated powers, or by the Planning and Development Board.

4.5 In all of the above cases, where the observations are forwarded by the Assistant Chief Executive and Solicitor to the Council under delegated powers, then:

- ❖ he will report to the Planning and Development Board on the observations made, and
- ❖ include on the file, the reasoning behind these observations.

4.6 For the purposes of this Scheme of Delegation, examples of the other legislation referred to in paragraph 4.4 is included in Annexe A to this Scheme.

## **5. MEMBER INVOLVEMENT**

5.1 Members and officers work together to determine planning applications. This Scheme of Delegation recognises that there are good reasons for, and advantages in, delegating some decisions to the Assistant Chief Executive and Solicitor to the Council. However, given the high public profile of planning matters, it is inevitable that Members will often become involved in the planning control service during the passage of a planning application through the process. In order to ensure that there is a strong partnership of Members and Officers, but that their respective roles are identified and maintained, the following Best Practice guidelines will be followed:

- ❖ For the purposes of paragraph 4.1 (g) and (j) above, as soon as it becomes apparent that the recommendation of the Assistant Chief Executive and Solicitor to the Council will be contrary to the nature of representations received on any application, then the case officer will contact the Local Ward Member(s), together with the Chair and Vice Chairman of the Planning and Development Board. If no adverse comments are received within seven days, then the matter will be dealt with in line with the Assistant Chief Executive and Solicitor to the Council's recommendation under delegated powers. A record of this contact will be kept on the case file. Contact will be made as early as possible via e-mail, in order to ensure full Member involvement.
- ❖ Ward briefings, either individually or on a group basis, will be held with Members at their request so that they can be kept up to date with applications and their progress towards determination, and other significant 'ward' issues. Current applications and plans can be made available for discussion.
- ❖ All 'significant' applications to be reported to the Board and Ward Members to enable site visits to be organised at an early stage.
- ❖ Issues and Progress reports will be circulated to the Board and Ward Members either by notification or through a report on major and/or sensitive applications, prior to the determination report, so that the material considerations and key matters can be made explicit at an early stage.
- ❖ Regular post-decision site visits to be made to assess the quality of the decision, and to see the implementation of the scheme, so that there can be continuous monitoring of the quality of decision making.

5.2 The procedure outlined above in respect of Member involvement, will also apply to proposed amendments to development proposals.

## **6. REVIEW DATE**

6.1 This Scheme of Delegation will be reviewed by April 2013.

## ITEMS FOR CLARIFICATION

### A) For the purposes of this Scheme, 'application' includes:

applications for:

All types of planning permission

Reserved matters

Discharge, non-compliance or variation of conditions and minor amendments

Advertisement Consent

Listed Building Consent

Conservation Area Consent

Works to Trees subject to Tree Preservation Orders

Hazardous Substances Consent

Hedgerow Removals

Certificates of Lawful Development

Prior Notifications and Determinations in respect of agricultural and telecommunications developments together with demolitions.

Proposed Amendments to previously approved developments.

### B) For the purposes of this Scheme, 'other legislation' includes:

Forestry Act 1967 eg Felling Licences

Electricity Act 1989 eg Overhead Lines

Land Compensation Act 1961 eg Certificates of Alternative Development

Local Government (Miscellaneous Provisions) Act 1982 eg Car Boot Sales Notices

Transport Act 1968 eg Goods Vehicle Licensing

### C) For the purposes of this scheme, "Statutory Consultee" means those organisations referred to in the table contained in Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, as amended.

## **Planning Protocol for Members and Officers dealing with Planning Matters**

### **1. Introduction**

This Protocol applies to all Members and officers who become involved with the Planning system. It is not therefore restricted to Planning and Development Board Members and planning officers. The successful operation of the planning system relies on mutual trust between Members and officers, and an understanding of each others' roles. It also relies on each acting in a way which is not only fair and impartial, but also clearly seen to be so.

### **2. The Need for Guidance**

2.1 Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also highly contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions), and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision making.

2.2 One of the key purposes of the planning system is to control development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings, and the quality of their settings. It is important, therefore, that the Council, as a local planning authority, should make planning decisions which affect those interests, openly, impartially, with sound judgement, and for justifiable reasons. The process should leave no grounds for suggesting with any justification that a decision has been partial, biased or not well-founded in any way.

### **3 Status of the Planning Protocol**

3.1 This Planning Protocol takes account of the Council's Members Code of Conduct ("the Code of Conduct"), the Council's Protocol on Member/Officer Relations, the Royal Town Planning Institute's Code of Professional Conduct, the findings of the inquiries into the conduct of other Local Planning Authorities, advice issued by the Audit Commission, the Commissions for Local Administration in England and Wales (commonly known as the Ombudsmen), and the National Development Control Forum (now the National Planning Forum). In particular, it is based on the guidance issued in 2002 by the Local Government Association on a local code for dealing with planning matters.

3.2 The Code of Conduct is a general document and does not provide any detailed and specific guidance on what matters a Member is entitled to take into account when dealing with planning matters, what is proper behaviour with an applicant, nor about being lobbied (by applicants or objectors) or lobbying others. This Planning Protocol provides more specific guidance and is concerned with the integrity of the planning system. It is designed to give the public greater confidence that the Council is keen to operate, and to be seen to operate, fairly and openly. It is complementary to the Code of Conduct and the Protocol on Member/Officer Relations.

#### 4. The General Role and Conduct of Members and Officers

- 4.1 Members and officers have different, but complementary, roles. Both serve the public, but Members are responsible to the electorate, while officers are responsible to the Council as a whole. Officers advise Members and the Council, and carry out the Council's work. They are employed by the Council, not by individual Members, no matter what position those Members hold, and it follows that instructions may only be given to officers through a Council or Board decision. A successful relationship between Members and officers can only be based on mutual trust and understanding of each others' positions supported by good communication. This relationship, and the trust which underpins it, must never be abused or compromised.
- 4.2 The Code of Conduct provides guidance and standards for Members. Breaches of this code may be reported to the Council's Standards Committee. The Committee has the power to take action against a Member who is guilty of a breach of the Code of Conduct, including the suspension or disqualification of a Member from office. The Code of Conduct for Officers forms part of each officer's terms and conditions of employment and is detailed in Part 5 of the Constitution. Breaches of the code will be dealt with under the Council's Disciplinary Procedures and Officers are also governed by the rules of their professional organisations. Thus Planning Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct, and Solicitors are governed by the Law Society's Professional Conduct Rules. Breaches of these rules may be the subject of disciplinary action by the relevant professional body.
- 4.3 The Code of Conduct covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests, but also appropriate relationships with other Members, staff and the public, which will impact on the way in which Members participate in the planning process. Some of these issues are expanded upon in the Protocol on Member/Officer Relations. Of particular relevance to Members serving on the Planning and Development Board or who become involved in making a planning decision (e.g. where full Council deals with a planning matter) is the requirement that a Member:

“must not in his official capacity, or any other circumstance, use his position as a Member **improperly** to confer on or secure for himself or any other person, an advantage or disadvantage”  
(Paragraph 5(a) of Code of Conduct)

The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. **Members who do not feel that they can act in this way should consider whether they are best suited to serve on the Planning and Development Board.**

- 4.4 Members should also be very cautious about accepting gifts and hospitality. The Code of Conduct requires any Members who receive any gift or hospitality (in their capacity as a Member) over the value of £25, to provide written notification to the Monitoring Officer within 28 days. Details of the gift or hospitality are placed in a register, which is open to inspection by the public.

4.5 Officers must always act impartially. In order to ensure that senior officers do so, the Local Government and Housing Act 1989 enables restrictions to be set on their outside activities, such as Membership of political parties and serving on another Council. The Council carefully considers which of its officers are subject to such restrictions and reviews this regularly. During the course of carrying out their duties, officers may be offered hospitality from people with an interest in a planning proposal. If possible, such offers should be declined politely. If receipt of hospitality is unavoidable, officers should ensure it is of minimum level and declare its receipt as soon as possible. A register for the declaration by officers of gifts and hospitality is maintained by the Monitoring Officer, and regularly reviewed by him.

## 5. Registration and Declaration of Interests

5.1 The Local Government Act 2000 and the Code of Conduct place requirements on Members on the registration and declaration of their interests, and the consequences for the Member's participation in consideration of an issue, in the light of those interests. These requirements must be followed scrupulously, and Members should review their situation regularly. Guidance on the registration and declaration of interests has been issued by the former Standards Board for England (see [www.standardsforengland.gov.uk](http://www.standardsforengland.gov.uk)) Advice may be sought from the Council's Monitoring Officer, however, ultimate responsibility for fulfilling the requirements rests individually with each Member.

5.2 A register of Members' interests is maintained by the Monitoring Officer, and is available for public inspection. A Member must provide the Monitoring Officer with written details of relevant interests within 28 days of his election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Member becoming aware of such changes.

5.3 The Code of Conduct abandons the use in the old National Code of Local Government Conduct of the terms "pecuniary" and "non-pecuniary" interests. Instead, it uses the terms "**personal**" and "**prejudicial**" interests without reference to the interest being a financial or non-financial one. Under the Code of Conduct, a Member will have a personal interest in any matter under discussion if:

(a) the matter relates to an interest in respect of which the Member has given notice in the statutory register of Members' interests; or

(a) the decision upon it might reasonably be regarded as affecting, **to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area**, the well-being or financial position of themselves, or a relative or friend, or

- any employment or business carried on by such persons;
- any person who employs or has appointed such persons, any firm in which they are a partner or any company of which they are directors;
- any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- any body, Membership of which the Member is required to register in the statutory register of interests, in which such person hold a position of general control or management.

5.4 Where a Member considers that he has such a personal interest in a matter, he must always declare the existence and nature of the interest, **but it does not necessarily**

**follow that the personal interest debars the Member from participation in the discussion.**

- 5.5 The Member then needs to consider whether the personal interest is also a **prejudicial** one. The Code of Conduct provides that a personal interest becomes a prejudicial one "...if the interest is one which a Member of the public **with knowledge of the relevant facts** would **reasonably** regard as so significant that it is likely to prejudice the Member's judgement of the public interest". If a Member has such an interest, he should not participate in any discussion on the matter, and the Code of Conduct requires that he should leave the room during the consideration of the matter.
- 5.6 The Code of Conduct includes some exceptions to this. For example, the Member's interest **may not be regarded as prejudicial** if the matter under discussion relates to:
- another authority (e.g. County Council or Parish Council) of which he is a Member
  - another public authority in which he has a position of general management or control
  - a body to which he has been appointed or nominated as a representative by the authority.

In those circumstances, the Member would need to declare the interest, but could participate in the discussion and voting on the matter.

- 5.7 It can be seen that these provisions of the Code of Conduct are an attempt to separate out interests arising from the personal and private interests of the Member, and those arising from his wider public life. The emphasis is on a consideration of the status of the interest in each case by the Member personally, and included in that judgement is a consideration of the perception of the public, acting reasonably and with knowledge of the facts
- 5.8 Translated to a Member's involvement in planning issues, the two stage test of personal and prejudicial interests will, as now, require a Member to abstain from involvement in any issue the outcome of which might advantage, or disadvantage, the personal interests of the Member, his family, friends or employer. **The declaration of interest and, where necessary, abstention from involvement, should apply not just at the meeting of the Planning and Development Board, but also at informal meetings or discussions with officers or other Members.**
- 5.9 The exceptions made to the definition of prejudicial interests relating to Membership of outside bodies mentioned above are attempts to clarify the nature of such interest and to encourage participation in such cases. It appears that too often in the past, Members have been prevented from participation in discussion in such circumstances, on the basis that mere Membership of another body constituted an interest that required such a prohibition, even in cases where the Member was only on that body as a representative of the Council.
- 5.10 When considered in the context of planning matters, this approach will require the exercise of particular judgement on the part of the Member. The use of the term "prejudicial" to describe the interest is helpful here. If the planning matter under consideration relates to another body on which the Member serves, the exemption in the Code of Conduct would suggest that the Member could participate in a decision on that matter – i.e. Membership of that body could not be considered per se a prejudicial interest, which would bar the Member from participating.



5.11 However, if a Member, in advance of the decision-making meeting had taken a firm view on the planning matter, either in meetings of the other body or otherwise, he would not be able to demonstrate that, in participating in the decision, all the relevant facts and arguments had been taken into account – he would have fettered his discretion. Were he to participate in the decision-making in those circumstances, he might place the authority in danger of judicial review. So the exemption in the Code of Conduct would only operate in the planning context if the Member had scrupulously avoided forming a fixed view on the issue in advance. This is the general approach taken by this guidance on appropriate conduct in relation to Membership of other bodies and the effects of such Membership on participation in the planning decision-making process. It is expanded in section 7 on lobbying.

## **6. Development Proposals Submitted by Members and Officers, and Development by the Council.**

6.1 All applications by serving Members and officers or by the Council itself will be determined by the Planning and Development Board (i.e. they will not be determined by the Assistant Chief Executive and Solicitor to the Council under his delegated powers).

6.2 All Members or officers who submit a planning application or who have a planning application submitted on their behalf shall ensure that they notify the Assistant Chief Executive and Solicitor to the Council of that submission in writing.

6.3 The consideration of an application from a Member in such circumstances will be a prejudicial interest under the Code of Conduct, and as such, the Member will be required to withdraw from any consideration of the matter. The Code of Conduct also provides that a Member should “not seek **improperly** to influence a decision about the matter”. This does not imply that a Member should have any less rights than a Member of the public in seeking to explain and justify his application to a planning officer in advance of consideration by the Planning and Development Board.

6.4 All applications by a Member or an officer which are reported to Planning and Development Board will be designated as a Member or an officer application on the face of the agenda.

6.5 Serving Members who act as agents for people pursuing planning matters with the Council should play no part in the processing or determination of those applications

## **7. Lobbying of and by Members**

7.1 Lobbying is a normal and perfectly proper part of the political process. Those who may be affected by a planning decision will often seek to influence it through an approach to their elected Ward Member or a Member of the Planning and Development Board. As the Nolan Committee’s Third Report states: “It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representatives, the Councillors themselves” (paragraph 288).

7.2 However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Member being called into question. When being lobbied, Members, particularly those who sit on the Planning and Development Board, should take care about expressing an opinion which may be

taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant planning officer, in order that their opinions can be included in the officer's report to the Board. If they do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at the Board meeting. That evidence and argument will relate to planning considerations and not the personal circumstances of individuals.

- 7.3 Members generally, and in particular those who sit on the Planning and Development Board, need to take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in an open and fair manner, in which Members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or another before hearing all the arguments makes them vulnerable to an accusation of partiality. Determination of a planning application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. There is an added possibility that an aggrieved party may seek judicial review of the way in which a decision has been arrived at; or complain to the Local Government Ombudsman on grounds of maladministration; or to the Standards Committee that a Member has breached the Code of Conduct.
- 7.4 In reality, of course, Members will often form a judgement about an application early on in its passage through the system, whether or not they have been lobbied. The difficulty created by the nature of the Planning and Development Board's proceedings as set out in paragraph 7.3, is that Members of the Board should not openly declare which way they intend to vote in advance of the Board meeting, and of hearing evidence and arguments on both sides.
- 7.5 Political reality suggests that it is often important to distinguish between the role of a Planning and Development Board Member who is a Ward Member for the area affected by a particular planning application, and one who is not. A Planning and Development Board Member who does not represent the Ward affected is in an easier position to adopt an impartial stance, however strong his or her feelings about the application may be, and to wait until the Board meeting before declaring one way or another.
- 7.6 A Planning and Development Board Member who represents a Ward affected by an application is in a difficult position if it is a controversial matter around which a lot of lobbying takes place. If the Member responds to lobbying by deciding to go public in support of a particular outcome – or even campaigning actively for it – it will be difficult for that Member to argue convincingly, when the Board comes to take a decision on the application, that he or she has carefully weighed the arguments presented – perhaps in some respects for the first time – at the meeting. Whilst in most circumstances this would not amount to a prejudicial interest in terms of the Code of Conduct, the proper course of action for such a Member would be to make a declaration of his or her position and not vote. Provided that the Member does not have a prejudicial interest, this course of action would not prevent him or her speaking on the application at the Planning and Development Board meeting.
- 7.7 Where there are two or three Members representing a Ward or area, and only one is a Member of the Planning and Development Board, it may be more appropriate for the Members who are not Members of the Board to represent local opinion on

controversial issues. This will prevent the Board Member being put in the position outlined in paragraph 7.6.

- 7.8 There may also be occasions when a Member is asked to present the case for an applicant or objector to the Planning and Development Board. This is a perfectly proper part of the role of representing a constituent. To do so does not necessarily mean that the Member agrees with the case he is being asked to present; nor does it mean that the Member necessarily has to vote in accordance with the wishes or views of the person whose case he has presented.
- 7.9 It should be evident from the previous paragraphs that it is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is ultimately the responsibility of the individual Member. The following points are, however, offered as guidance:
- Given that the point at which a decision on a planning application is made cannot occur before the Planning and Development Board meeting, when all available information is to hand, and has been duly considered, any political group meeting prior to the Board meeting should not be used to decide how Members should vote. The view of the Ombudsman in relation to the former national code was that the use of political whips to seek to influence the outcome of a planning application could amount to maladministration. There is nothing in the Code of Conduct which would serve to change this advice.
  - With the exception in some circumstances of Ward Members, whose position has been covered in the preceding paragraphs, Members should in general avoid organising support for or against a planning application, and avoid lobbying other Members. Such actions can easily be misunderstood by parties to the application and by the general public.
  - Members should not put improper pressure on officers for a particular recommendation, and, as required by the Code of Conduct, should not do anything which compromises, or is likely to compromise, their impartiality.
- 7.10 Members who are unsure as to whether an interest should be declared should seek the advice of the Assistant Chief Executive and Solicitor to the Council, although, as indicated above, the decision rests with the Member.
- 7.11 Members who do not sit on the Planning and Development Board will have greater freedom than Board Members. They are still, however, bound by the Code of Conduct as explained in paragraphs 4.2 to 4.4 of this Protocol. Should they be called upon to determine an application at full Council then the guidance set out in this section will apply to that determination.

## **8. Pre-Application Discussions**

8.1 Discussions between a potential applicant (or an agent on behalf of the applicant) and the Council prior to the submission of an application can be of considerable benefit to both parties. This is encouraged by the Audit Commission ("Building in Quality" paragraph 56), the Local Government Association and the National Planning Forum. However, it would be easy for such discussions to become, or be seen (especially by objectors) to become, part of a lobbying process.

8.2 In order to avoid such problems, pre-application discussions should take place within the guidelines set out in the following paragraphs. Although the term 'pre-application' has been used, the same considerations should apply to any discussions with applicants which take place before a decision is taken, or where following a decision there are discussions about amendments or changes to a proposal.

### **8.3 Officers.**

8.3.1 Processing applications (including any discussions or advice before submission of an application) is normally the responsibility of officers, which ensures that the proper level of professionalism and expertise is available. The process includes advice and guidance on the Council's policies, discussions and negotiations about the proposal and the merits of the application, and gathering information either to prepare the report to Planning and Development Board, or for the Assistant Chief Executive and Solicitor to the Council to take the decision under delegated powers. The following guidelines should apply:

- Officers will advise the applicant whether the decision is one which falls within the Assistant Chief Executive and Solicitor to the Council's delegated powers or whether the decision will be taken by the Planning and Development Board;
- It should always be made clear at the outset of any pre-application meeting that the discussions will not bind the Council to making a particular decision, and that any views expressed are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand, nor will consultation with interested parties have taken place;
- Advice should be consistent, especially where more than one officer is involved, and should be based on the Development Plan and other material considerations.
- A written note should be made of all meetings (if possible, immediately after the meeting), and this should be placed on the application file as soon as possible. A written note should also be made of similar telephone discussions.

8.3.2 Where an application of particular significance for determination by the Planning and Development Board is likely to be made, the Chairman of the Board, Ward Members and lead Members from each political group shall be informed of the nature of the proposal as soon as possible.

### **8.4 Members**

8.4.1 For their own benefit and protection, Members should generally seek to avoid pre-application meetings. Such meetings with potential applicants bring Members into an

environment where the merits of proposals are discussed, and this may compromise a Member in taking an impartial stance when the application comes before the Planning and Development Board for decision.

- 8.4.2 If an applicant requests such a meeting with a Member, the Member should explain the difficulties of such a meeting, and offer to arrange a meeting between the applicant and the relevant Planning Officer.
- 8.4.3 In exceptional circumstances, the Planning and Development Board may authorise particular Members to attend a presentation by an applicant or his agent. Officers will normally arrange such presentation, and attend with Members. At the start of such presentation, officers will explain that it is taking place at the request of the applicant and that the merits of the case will not be discussed. Members and officers will, of course, be free to ask questions about the proposal as part of the presentation. If the applicant requests the views of the authority, these will be communicated subsequently and in writing. In such communication, officers will make it clear that any views expressed prior to formal determination of an application are preliminary.

## **9. Decisions delegated to Officers**

- 9.1 The Council has adopted, and keeps under review, a formal “Scheme of Delegation to the Assistant Chief Executive and Solicitor to the Council in respect of determination of Planning Applications”. This is set out in Appendix B to Part 3 of the Constitution. It states clearly which applications will be reported to the Planning and Development Board for determination. All other applications will be determined by the Assistant Chief Executive and Solicitor to the Council under her delegated powers.
- 9.2 In particular, the Board will determine “any application where a request based on material planning considerations is made in writing to the Assistant Chief Executive and Solicitor to the Council by any Borough Councillor for referral of that application to the Board” [para 4.1(g) of the Scheme]. Any Member who is unsure whether his/her concerns about an application constitute a material planning consideration is invited to contact the relevant officer to discuss the issue. Where possible, the officer will assist the Member in framing his/her concerns where there is a material planning consideration.
- 9.3 Where a delegated decision can be made and where a consultation response runs contrary to the likely officer decision Ward Members are contacted and given the opportunity to request that the case be referred for Board to make the decision. The test in the preceding paragraph is used to ensure there are planning reasons for such a request..
- 9.4 All Members are circulated applications and decisions on a weekly basis and can use this information to track the progress of particular applications and the method of decision.

## **10. Officers’ reports to Planning and Development Board**

- 10.1 It is important for the Council to be able to demonstrate in its decision making that there has been adequate consideration of all the relevant issues; consistency; and clear reasoning leading to the decision. Officers’ reports to the Board will therefore:
- Be in writing;

- Be accurate, and cover, amongst other things, the substance of any objections, and the views of those consulted;
- Contain clear references to the Development Plan; site or related history; and other material considerations;
- Have a clear recommendation – for approval with conditions, or for refusal with reasons;
- If any recommendation is contrary to the provisions of the Development Plan, the material considerations which justify the departure will be clearly stated.

## **11. Decisions contrary to Officer’s Recommendation**

- 11.1 Whilst in strict legal terms the Planning and Development Board is under no obligation to follow the advice of officers, s.38 (6) of the Planning and Compulsory Purchase Act 2004 provides that any planning determination shall be in accordance with the development plan unless material considerations indicate otherwise. Thus, there must always be clear and convincing planning reasons for the Board’s decision. If decisions are taken for non-planning reasons, or for reason which are not sustainable at an appeal, there is the potential for an award of costs to be made against the Council. Therefore if the Board makes a decision contrary to the officer’s recommendation (whether for approval or refusal), a detailed minute of the Board’s reasons should be made and a copy placed on the application file. Officers should also be given the opportunity to explain the implications of the contrary decision before it is taken.
- 11.2 Any Member who is contemplating proposing a motion to refuse an application contrary to the officer’s recommendation should contact the relevant officer to discuss his/her intention. The officer will advise the Member whether the Member’s concerns would constitute a valid planning reason for refusing permission; and if so, assist the Member in drafting reason[s] for refusal. The Board will be advised as to the strength of the suggested reason for refusal and any possible financial implications for the Authority.

## **12. Planning and Development Board Site Visits**

- 12.1 The purpose of a visit to an application site is for Members to gain information on relevant planning issues relating to the site which is not available from officers’ reports (including in response to Members’ questions at the Board meeting) in order to assist Members in reaching their decision. It is not to provide a forum for debate and discussion on the merits of the application. Site visits can cause delay and additional costs for an applicant, and should only be requested where the expected benefit from such a visit is substantial. Agendas are published well ahead of meetings and Members have the chance to visit sites before debate at Board.
- 12.2 A request from the Ward Member for a site visit is a proper part of the representative role of the Ward Member, and should normally be acceded to, although the ‘substantial benefit’ test should still apply.
- 12.3 All site visits will be conducted subject to the following criteria:
- A site visit will only take place once authorised by the Board
  - Authorised attendance at a site visit shall be limited to Members of the Planning and Development Board, local Ward Members, relevant officers, the applicant

together with his or her representative, and any objector (or a representative of a group of objectors) whom the Board considers should be invited to be present (e.g. where it is claimed that a proposed development will have a significant impact on a neighbouring property)

- At a site visit, all communication between parties (the applicant or his agent, objectors, and Members and officers) should be led by and conducted through the Assistant Chief Executive and Solicitor to the Council or his representative,
- There shall be no discussion of the merits of the application during the site visit. Such discussion shall only take place at a meeting of the Planning and Development Board
- Applicants, objectors, or their representatives shall not be permitted to make representations to Members of the Board during a site visit. They may, however, give purely factual information which is requested by Members and which cannot be ascertained by viewing alone.
- At the Planning and Development Board at which the application is considered, the Assistant Chief Executive and Solicitor to the Council will draw Members attention to any material considerations which arise as a result of the site visit
- The written notification of the site visit will set out these criteria so that all those attending are aware of them

### **13. Regular Review of Decisions**

- 13.1 Members shall on an annual basis undertake a review and visit a sample of implemented planning permissions to assess the quality of the decisions. The aim of this will be to monitor and improve the quality and consistency of decision-making, thereby strengthening public confidence, and helping with reviews of planning policy.
- 13.2 Each review should include examples of a broad range of categories, e.g. major and minor development, permitted departures, upheld appeals, listed building works and enforcement cases. The Planning and Development Board shall formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

### **14. Breaches of this Protocol**

- 14.1 Any alleged breaches of this Protocol by a Member will be referred to the Council's Standards Committee. The Committee will consider whether the Protocol has been breached and will issue advice and guidance and, if appropriate, recommend action to be taken to the Council and/or Party Groups.
- 14.2 Any alleged breaches of this protocol by an officer will be dealt with under the Council's disciplinary procedures.

### **15. Review**

- 15.1 This Protocol will be reviewed not later than 31 December 2013.

**AUTHORISED OFFICER POWERS**

**A ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL**

1. Authorised Officer powers for the purposes of the hackney carriage provisions contained in the Town Police Clauses Act 1847; and for the purposes of the hackney carriage and private hire provisions contained in Part II of the Local Government (Miscellaneous Provisions) Act 1976.
2. Authorised Officer powers for the purposes of Sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982; the Public Health (Control of Diseases) Act 1984; Licensing Act 2003 Authorised Officer Powers.

**B ALL QUALIFIED ENVIRONMENTAL HEALTH OFFICERS, THE SENIOR POLLUTION CONTROL OFFICER, THE POLLUTION CONTROL OFFICERS WITHIN THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)**

Authorised Officer powers for the purposes of the regulatory functions contained in the following Acts, including all Orders and Regulations made thereunder:

The Public Health Acts 1936-68  
The Public Health (Recurring Nuisances) Act 1969  
The Housing Act 1985  
The Housing Act 1996  
The Housing Grants, Construction and Regeneration Act 1996  
The Building Act 1984  
The Food and Environment Protection Act 1985  
The Prevention of Damage by Pests Act 1949  
The Clean Air Act 1993  
The Control of Pollution Act 1974  
The Pet Animals Act 1951  
The Animal Boarding Establishments Act 1963  
The Riding Establishments Acts 1964-1970  
The Breeding of Dogs Act 1973  
The Water Act 1945  
The Slaughter of Poultry Act 1967  
The Slaughterhouses Act 1974  
The Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
The Scrap Metal Dealers Act 1964  
The Civic Amenities Act 1967  
The Refuse Disposal (Amenity) Act 1978  
The Caravan Sites Act 1968  
The Caravan Sites and Control of Development Act 1960  
The Public Health (Control of Disease) Act 1984  
The Dangerous Wild Animals Act 1976  
The Health and Safety at Work Etc Act 1974  
The Animal Health Act 1981  
The Disease of Animals Acts 1950-1975  
The Environmental Protection Act 1990  
\*The Food Safety Act 1990  
The Environment Act 1995



The Pollution Prevention and Control Act 1999

The Licensing Act 2003 Part 3 Section 13 Responsible Authority

\*The Student Environmental Health Officer is also an Authorised Officer but restricted to the purposes of powers of entry, sampling and inspection only.

**C THE TECHNICIANS, TECHNICAL ASSISTANTS AND THE STUDENT ENVIRONMENTAL HEALTH OFFICER WITHIN THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)**

Authorised Officer powers, restricted to powers of entry for the purpose of inspection and investigation only, in relation to the environmental health functions contained in the Acts listed at B above, including all Orders and Regulations made thereunder.

**D ALL ENVIRONMENTAL HEALTH OFFICERS AND BUILDING INSPECTORS**

Authorised Officer powers for the purposes of the Building Act 1984

**E ALL ENVIRONMENTAL HEALTH OFFICERS AND THE FOOD SAFETY OFFICERS**

Authorised Officers under Part III of the Food and Environmental Protection Act 1985, and all Orders and Regulations made thereunder.

**F HOLDERS OF ALL ENVIRONMENTAL HEALTH OFFICER POSTS, THE SENIOR POLLUTION CONTROL OFFICER, THE POLLUTION CONTROL OFFICER POST, THE SCIENTIFIC OFFICER AND OTHER TECHNICAL POSTS IN THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)**

Authorised Officers in relation to relevant parts of the Environmental Protection Act 1990, with the exception of Part I.

**NB The holder of the post of Student Environmental Health Officer is also an Authorised Officer but restricted to the purposes of powers of entry, examination and investigation only.**

**G Environmental Health Manager, Senior Environmental Health Officer, Environmental Health Officer, Food Safety Officers and Food Technical Assistant of the Commercial and Licensing Team, be authorised officers under the European Communities Act 1972, Regulations No's 178, 852, 853, 882 and 2073.**

**H Food Safety Officers be authorised officers for enforcement under the Regulations and Orders made under the Food Safety Act 1990.**

**I Food Technical Assistant be authorised officers under the Food Safety Act 1990 and European Communities Act 1972 and regulations 178, 852, 853, 882 and 2073 (but only as regards the powers of entry, sampling and investigation).**

**J ALL OFFICERS OF THE DIVISIONS OF THE ASSISTANT CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL AND THE ASSISTANT DIRECTOR (HOUSING)**

Authorised Officers to seize dogs, under Section 5 of the Dangerous Dogs Act 1991.

**K REFUSE COLLECTION AND RECYCLING MANAGER, TRANSPORT AND STREETScape MANAGER AND WORKSHOP FOREMAN**

Authorised Officers under the Council's Off Street Parking Places Orders to remove or reposition vehicles parking in the Market Square, Atherstone, and at other car parks covered by the Orders.

**L LICENSING ENFORCEMENT OFFICERS**

Authorised to carry out all aspects of the Council's duties and responsibilities (including licensing access to premises) under the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and 1982; The Town Police Clauses Act 1847 and the Transport Act 1985, The Licensing Act 2003 and the Gambling Act 2005, including all Orders and Regulations made thereunder.

Authorised for the purposes of inspection and enforcement under the relevant provisions of the

- The Pet Animals Act 1951
- The Animal Boarding Establishments Act 1963
- The Riding Establishments Act 1964 and 1970
- The Breeding of Dogs Act 1973
- The Dangerous Wild Animals Act 1976
- House to House Collections Act 1939
- Lotteries and Amusements Act 1976
- Regulations made by the Council in respect of Street Collections under the Charitable Collections (Transitional Provisions) Order
- The Environmental Protection Act 1990
- The Clean Neighbourhoods Act 2005
- The Dogs (Fouling of Land) Act 196
- The Anti-Social Behaviour Act 2003

**M ALL ENVIRONMENTAL HEALTH OFFICERS, FOOD SAFETY OFFICERS, SENIOR POLLUTION CONTROL OFFICERS, POLLUTION CONTROL OFFICERS AND ENVIRONMENTAL HEALTH MANAGERS**

Authorised officers under the Licensing Act 2003 – Sections 59 and 63 for Responsible Authority response.

**N FOOD SAFETY OFFICERS**

Authorised for the purposes of inspection and enforcement under the relevant provisions of

- Food Safety Act 1990
- Health and Safety at Work Act 1974
- Product of Animal Origin (Third Country Imports) 2002
- The Environmental Protection Act 1990

(Powers under the Products of Animal Origin (Third Country Imports) 2002 may be exercised by the Environmental Health Manager, the Senior Environmental Health Officer or any qualified Environmental Health Officer).

**O LICENSING ENFORCEMENT OFFICERS, SENIOR ENVIRONMENTAL HEALTH AND POLLUTION OFFICERS, ENVIRONMENTAL HEALTH OFFICERS, FOOD SAFETY OFFICERS, POLLUTION CONTROL OFFICERS, TECHNICAL ASSISTANTS AND ENVIRONMENTAL HEALTH MANAGERS**

Authority under the Health Act 2006 and associated regulations to issue Fixed Penalty Notices in respect of the Smoke Free legislation.

**P ENVIRONMENTAL HEALTH MANAGERS, SENIOR ENVIRONMENTAL HEALTH OFFICER, SENIOR POLLUTION CONTROL OFFICER, POLLUTION CONTROL OFFICERS AND ENVIRONMENTAL HEALTH OFFICERS.**

Authority to carry out all aspects of the Council's duties and responsibilities under the relevant provisions of the Environmental Damage (Prevention and Remediation) Regulations 2009.

**Q THE HEAD OF DEVELOPMENT CONTROL, THE PRINCIPAL PLANNING OFFICER AND THE SENIOR DEVELOPMENT CONTROL OFFICERS**

These postholders have authority to sign delegated decisions in respect of planning and related applications