

Miscellaneous changes to sections of the Constitution as numbered

1. Delegated Powers – Planning

5.3 Planning

(a) Who carries out the responsibility?

The following responsibilities are carried out by area planning committees:

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- deciding planning applications by the Council except where these relate to council housing stock (Regulation 3 approvals) and the application is consequent to a publically available decision or policy
- deciding planning applications made by councillors or officers
- deciding planning applications that would otherwise be decided by officers that have been called in during the initial 21-day consultation period or during subsequent periods of consultation resulting from a significant change to material planning considerations (see 17.3)

2. Scrutiny Committee – Council owned companies

8.3 Roles of the scrutiny committee

(a) Developing and reviewing policy

The scrutiny committee can:

- Help full Council and the Board to develop policy by studying issues in detail
- Carry out research and consultation on policy
- Consider and introduce schemes to involve the public in developing policy
- Work with national, regional and local organisations to promote the interest of local people.

(b) Holding the executive to account

The scrutiny committee can:

- Review the performance and decisions of the Board, and Council officers (but not decisions on individual planning or licensing applications)

- Review the Council's progress in achieving its policy aims and performance targets
- Review the performance of individual services
- Review executive decisions in respect of any companies wholly or partly owned by the Council and hold the shareholder to account for the performance of those companies. Decisions of Council owned companies do not fall within the remit of the scrutiny committee.
- Ask Board members, and senior officers (see 9.1) questions about their decisions and performance – these may be questions about general performance or about particular decisions and projects.

13.13 Duty of Board members and officers to attend scrutiny committees

(a) Duty to attend

The scrutiny committee can require members of the Board and officers in the senior management structure (see 9.1) to attend and answer questions about:

- their performance
- decisions they were involved in
- the extent to which they have followed the budget and policy framework

The Scrutiny Committee can also require executive members and their advisors to attend and answer questions about shareholder decisions relating to companies wholly or partly owned by the Council and the performance of those companies.

3. Finance Rules –Capital programme and loans to Council owned companies

18.13 Monitoring of the Capital Programme

The Capital Programme is approved as part of the Council's annual budget setting process. Monitoring of the Capital Programme will be undertaken by the Head of Financial Services in conjunction with Project Managers and associated Heads of Service. A report will be submitted to relevant Officers periodically, and the Board on a quarterly basis, setting out the projected outturn and progress of schemes including slippage, under and overspends together with any associated mitigating action.

Capital expenditure may only be incurred if:

- The Capital Gateway process has been complied with
- Budgetary provision has been made within the approved Capital Programme
- Project approval, if required, has been given
- The Contract Rules have been complied with.

Where it is anticipated that the budget for a capital project will be overspent against its approved budget the relevant Head of Service will be responsible for notifying the Head of Financial Services. Overspend up to £250,000 may, with the approval of the Head of Financial Services, be accommodated by virement from other schemes' underspending within the approved Capital Programme. The size of the project will be considered as part of this process. Where monies cannot be vired from other schemes or the overspend is in excess of £250,000 the projected overspend must be reported to the Board and subsequently full Council requesting a supplementary estimate if required.

Where a scheme is within the capital programme and it is not possible for it to progress in a particular year or where it is progressing faster than anticipated, the Head of Financial Services in conjunction with the Executive Director Organisational Development and Corporate Services can move the approved capital budget for a scheme between adjacent financial years providing that the overall budget for the scheme is not exceeded and capital financing resources are available to finance the scheme Any schemes which remain uncommitted at the end of the financial year in which they were due to start will be reviewed as part of the annual budget process.

Where the Council has obtained external funding for a capital project or that project can be funded by virement, the Head of Financial Services may, subject to it being included in the next available monitoring report, raise an additional budget head to facilitate timely project commencement.

18.23 Loans to Council owned Companies

The Head of Financial Services may authorise an advance of up to £250,000 to a Council wholly owned company provided provision has been made within the Council's budget and that he is satisfied:

- a. With the terms of the loan agreement;
- b. the robustness of the company's business plan; and
- c. That state aid rules are not breached.

Loan advances of over £250,000 and loans to a company which is not wholly owned by the Council must have approval by CEB and Full Council where the loan is to be advanced for capital purposes.

4. Dealing with Planning Applications at Committee

14.7 Substitutes

Council appoints Councillors as members of its committees. The Leader appoints Councillors as members of the City Executive Board. A committee appoints Councillors as members of its sub-committees.

Substitutes are not permitted for the Licensing and Gambling Acts Committee or the General Purposes Licensing Committee.

Only members of the General Purposes Licensing Committee can act as substitutes for the members of its sub-Committees.

For other committees, a member of the committee can send another councillor as their substitute. These substitute will have the powers of an ordinary member of the committee for that meeting.

Substitutions must be for the whole meeting. A member of a committee cannot take over from their substitute or hand over to them part of the way through the meeting. ~~There is one exception to this: substitutes at the area planning committees and the planning review committee can attend for just a single item.~~

~~Substitutes on Planning Review Committee cannot have been a voting member at the meeting of the Area Committee that determined the application before it was called in the Planning Review Committee.~~

On a call-in from a planning committee to the Planning Review Committee, no councillor may participate in the consideration of the specific planning application called-in if they have previously participated in any consideration of that application (listed as a separate item and requiring a decision on the agenda) by the area committee.

Substitutes cannot appoint substitutes of their own.

If a member of a committee wants to send a substitute, they must tell the Head of Law and Governance before the meeting.

14.9 Area planning committees and planning review committee

- (a) ~~Councillors cannot be a member of more than one planning committee.~~ Council may not appoint a councillor to more than one planning committee. Any Councillor that determines an application at an Area Planning Committee cannot re-determine the same application at the Planning Review Committee.

24.17 Committee members speaking in the public speaking slot

Committee members can choose to speak during the public speaking slot but they must notify the chair of their intentions before the meeting begins. They cannot participate in determining the application. ~~but can appoint a substitute for the item.~~ Once the matter has been concluded, the member can re-join the committee.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

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5. Public requests to speak

Members of the public wishing to speak must notify the Democratic Services Officer ~~before the meeting starts~~ by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

6. Written statements from the public

~~Members of the public and councillors can send the Democratic Services Officer written statements and other material to circulate to committee members, and the planning officer prior to the meeting. Statements and other material are accepted and circulated by noon, two working days before the start of the meeting.~~

Any written statements that members of the public and Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

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