

APPENDIX 1

Proposed Changes to Main Constitution

1.	Section and Reference	Existing Text	Proposed amendment approved by the Constitution Task Group			
a)	Part 3.3 Responsibility for Council Functions Section A – Functions relating to town and country planning and development control.	N/A	To add new Item A30			
			Function	Provision	Committee Responsibility	Officer Delegation (if any)
			Duty to enter land in Part 2 of the brownfield land register.	Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017	Planning Committee	Head of Environment, Housing and Leisure
b)	Part 3.5 – Terms of Reference of Council, Cabinet and Committees D 4 – Planning Committee	N/A	To add under 1.: x) to enter land in Part 2 of the brownfield land register and thus granting permission in principle.			

		<p>Reason for proposed change:</p> <p>The Town and Country Planning (Brownfield Land Register) Regulations 2017 requires the authority to prepare and maintain a Brownfield Land Register. The register will provide up-to-date and consistent information on sites that the authority considers to be appropriate for residential development. The registers will be in two parts, Part 1 will comprise all brownfield sites appropriate for residential development and Part 2 those sites granted permission in principle. Permission in principle will be an alternative way of obtaining planning permission which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle for residential development and the second ('technical details consent') stage is when the detailed development proposals are assessed.</p> <p>The duty to enter land in Part 2 of the brownfield land register has been designated as a Council function. Therefore the duty needs to be included in the list of Council functions set out in Part 3.3 of the Constitution. As the Planning Committee is responsible for all matters relating to the Authority's function as local planning authority it is recommended that this duty be the responsibility of the Committee.</p>
	<p>Implications of proposed change:</p> <ul style="list-style-type: none"> <p>Finance and other resource implications:</p> <p>There is no fee to a landowner/developer if a site is added to the brownfield land register and then granted Permission in Principle. Although this removes the need for an outline or full planning application, there will still be a requirement for an application for technical details consent which will incur a fee from the applicant. As yet there has been no indication of the level of this fee so we are unable to calculate if this will result in a loss of income.</p> <p>The Council was issued with a New Burdens Grant for the publication of the Brownfield Land Register. It is not known if this Grant will be repeated in future years, although it is anticipated that the work required to review the Register will be much less than the work required to set up in the first year.</p> <p>Legal implications:</p> <p>Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 require the authority to prepare and maintain a Brownfield Land Register.</p> 	

Regulation 19(2) of The Town and Country Planning (Brownfield Land Register) Regulations 2017/403 has added this function to Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations which lists those functions which must not be the responsibility of an authority's executive.

- **Consultation/Engagement undertaken (internal and external):**

- a. Internal consultation with Cabinet member and wider Council departments was carried out during July 2017.
- b. Public and stakeholder consultation on the proposed sites for Part 1 of the register was undertaken during August 2017. Notice was sent to all brownfield land owners and developers with an interest in North Tyneside. The consultation was also advertised on the Council's website and the online consultation portal.
- c. We have planned, but not yet arranged briefings with Cllr Harrison and Planning committee to provide a briefing as part of publication of Part 1 of the register and in advance of consultation on Part 2 sites.
- d. Consultation will be required on a proposed Part 2 sites schedule before those sites are published on part 2 and gain Permission in Principle.

- **Human Rights implications:**

Permission in principle and the Brownfield Land Register has no implications for a person's human right to the peaceful enjoyment of their property. It simply means if a person wants to develop it for housing they are able to submit a technical details consent rather than a full or outline planning permission. Individuals will remain entirely free to do what they want with their property.

- **Equalities and Diversity implications:**

There are no implications for equality and diversity. The delegation simply enables a new planning status equivalent to outline planning permission.

- **Risk Management implications:**

Regulation requires the Council to have a Brownfield Register in place by 31 December 2017, inclusion of sites in Part 2 of the Brownfield Register can be undertaken later. This proposed delegation to Planning Committee to enter sites into Part 2 of the Brownfield Register enables sites to gain permission in principle for development. If this delegation were not exercised the Council would risk falling short of the government's expectation to increase the number of homes benefiting from permission for development. Exercise of the delegation will present risks associated with grant of permission that must be managed through appropriate consideration of the available evidence.

- **Crime and Disorder implications:**

There are no crime and disorder implications.

- **Environment and Sustainability implications:**

The purpose of the register is to provide a nationwide, accessible, database of all brownfield land suitable for housing. This will promote and accelerate the sustainable development of brownfield sites.

2.	Section and Reference	Existing Text	Proposed amendment approved by the Constitution Task Group
	Part 3 Responsibility for Functions	N/A	To add:
	3.5 – Terms of Reference of Council etc.		e) To agree any changes to the delegation scheme set out in the Statement of Licensing Policy (Sex Establishments).
	D Regulatory and Other Committees 5. Regulation and Review Committee 39. Sex Establishments	<p>Reason for proposed change: Under the Local Government (Miscellaneous Provisions) Act 1982 the Authority has responsibility for a wide range of licensing decisions and functions. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Regulation & Review Committee has delegated certain decisions and functions to officers and some to panels of the committee. The powers relating to sex establishments detailed above have been delegated to a panel of the Regulation & Review Committee since it came into their remit in 2015 after previously being under Licensing Committee.</p> <p>The delegation scheme, appendix A, of the Statement of Licensing Policy (Sex Establishments) sets out what decisions in relation to sex establishments can be taken by officers, a panel of the Regulation & Review Committee or the full Committee. The new delegation e) would allow changes to the delegation scheme to be approved by the Regulation and Review Committee; currently these changes would need to be approved by Full Council. As Full Council delegated all matters relating to the licensing of sex establishments in connection with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the Regulation and Review Committee it would appear appropriate for that Committee to determine the level of delegation relating to those powers.</p>	
<p>Implications of proposed change:</p> <ul style="list-style-type: none">• Finance and other resource implications: The proposed change can be implemented within Law and Governance’s existing resources. It would enable a small efficiency to be made as it costs less to organise a panel of the Regulation and Review Committee compared to a Full Council meeting.			

- **Legal implications:**

The actual determination of an application for a Licence under the 1982 Act is a Council function, the function of formulating and adopting a Licensing Policy in relation to this type of licensing is a Cabinet function because neither the Act nor the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 preclude Cabinet from approving such a Policy. Therefore any changes to the policy must be approved by Cabinet and the standard conditions by a panel of the Regulation and Review Committee. Currently if the changes to the policy approved by Cabinet required a change to the policy's delegation scheme, the agreement for this change would need to be made by Full Council after Regulation and Review had approved the standard conditions. Three meetings would need to be arranged before the Policy could be implemented.

- **Consultation/Engagement undertaken (internal and external):**

Councillor Peter Earley, Chair of Regulation and Review Committee, Councillor John Hunter, Deputy Chair of Regulation and Review Committee.

- **Human Rights implications:**

There are aspects of the administration of the legislation that may impact on the human rights of individuals residing in the Borough and licence holders. Article 8 of the European Convention of Human Rights entitles a person to the right to enjoy a private and family life.

Article 6 of the European Convention also entitles an individual to a fair hearing. Any individual appearing before the Regulation and Review Committee will be given an opportunity to express their views as provided by the Act.

Article 1 of the First Protocol entitles a person to the peaceful enjoyment of his possessions. A possession may include a licence or the goodwill that such a Licence would generate. However, balanced against that is the ability of the Authority to enforce such laws under the Act as is necessary to control the use of such property, including a licence.

- **Equalities and Diversity implications:**

An Equality Impact Assessment is in place for the Statement of Licensing Policy (Sex Establishments). The EIA highlighted the need to ensure that upon request documents are available in other languages. This change to the Constitution would not impact on the EIA.

- **Risk Management implications:**

There are no risk management implications directly arising from this report. Risks associated with delivery of the Council's Public Protection function are monitored via the Technical Services Partnership risk arrangements included within the strategic partnership governance framework.

- **Crime and Disorder implications:**

A copy of an application for the grant, renewal or transfer of a licence under Schedule 3 of the 1982 Act has to be forwarded to the Chief Officer of Police within 7 days of the application being made. The police will therefore have the opportunity to scrutinise each application and to object if they have concerns from a crime and disorder point of view within 28 days of the application being made. All objections received by the Council must be considered before determining an application. This change to the Constitution would not impact on the consideration of objections.

- **Environment and Sustainability implications:**

There are no direct implications for environment and sustainability arising from this report.

3.	Section and Reference	Existing Text	Proposed amendment approved by the Constitution Task Group
	Part 4.3 Overview and Scrutiny Rules of Procedure	<p>11. Substitutions</p> <p>Substitute Members may be appointed only in the following circumstances:</p> <p>a) to take the place of the ordinary member of the Overview, Scrutiny and Policy Development Committee or any of its sub-committees where the ordinary member of the committee or sub-committee will be absent for the whole of the meeting. Such an appointment shall apply for the entire meeting, including where the meeting is reconvened after an adjournment; or</p> <p>b) where any member of the Overview, Scrutiny and Policy Development Committee has signed a call in request to be determined by the committee and they cannot take part in the decision making but they may appoint a member to act as a substitute. Such an appointment will only apply to consideration of the call-in; and</p> <p>c) after notifying the relevant Democratic Services Officer prior to the commencement of the meeting of the intended substitution and the appointment of the substitution being reported to the meeting at the commencement of business.</p> <p>Once the meeting has commenced and the substitute is present and participating the appointed member of the relevant committee or</p>	<p>11. Substitutions</p> <p>Substitute Members may be appointed only in the following circumstances:</p> <p>a) to take the place of the ordinary member of the Overview, Scrutiny and Policy Development Committee or any of its sub-committees where the ordinary member of the committee or sub-committee will be absent for the whole of the meeting. Such an appointment shall apply for the entire meeting, including where the meeting is reconvened after an adjournment; or</p> <p>b) where any member of the Overview, Scrutiny and Policy Development Committee has signed a call in request to be determined by the committee and they cannot take part in the decision making. but they may appoint a member to act as a substitute. Such an appointment will only apply to consideration of the call-in; and</p> <p>c) after notifying the relevant Democratic Services Officer prior to the commencement of the meeting of the intended substitution and the appointment of the substitution being reported to the meeting at the commencement of business.</p> <p>Once the meeting has commenced and the substitute is present and participating the appointed member of the relevant committee or</p>

		subcommittee shall not be entitled to attend the relevant meeting as a member of the committee.	subcommittee shall not be entitled to attend the relevant meeting as a member of the committee.
		Reason for proposed change: To clarify the position regarding the appointment of substitutes in the event that a member of the Overview, Scrutiny and Policy Development Committee has signed a call-in request to be determined by the Committee.	
Implications of proposed change : <ul style="list-style-type: none">• Finance and other resource implications: None• Legal implications: None• Consultation/Engagement undertaken (internal and external): The Democratic Services team have been consulted on the proposed change.• Human Rights implications: None• Equalities and Diversity implications: None• Risk Management implications: None• Crime and Disorder implications: None			

- | | |
|--|--|
| | <ul style="list-style-type: none">• Environment and Sustainability implications:
None |
|--|--|

4.	Section and Reference	Existing Text	Proposed amendment approved by the Constitution Task Group
	Part 4.7 Budget and Policy Framework	<p>3d) Full Council’s consideration of Budget proposals – 2nd Meeting</p> <p>Any Member(s) proposing objections to the Cabinet’s proposals must submit these in writing to the Chief Executive or his or her nominee, by no later than 4.00 pm on the day prior to the second budget meeting of the Full Council at which the proposals are to be considered.</p> <p>The Chief Executive or their nominee will make arrangements to have all proposed objections circulated to all Members by noon on the day of the Full Council meeting at which such proposals are to be considered.</p>	<p>3d) Full Council’s consideration of Budget proposals – 2nd Meeting</p> <p>Any Member(s) proposing objections to the Cabinet’s proposals must submit these in writing to the Chief Executive or his or her nominee, by no later than 4.00 pm on the day <u>two working days</u> prior to the second budget meeting of the Full Council at which the proposals are to be considered.</p> <p>The Chief Executive or their nominee will make arrangements to have all proposed objections circulated to all Members by noon on the day of <u>before</u> the Full Council meeting at which such proposals are to be considered.</p>
		<p>Reason for proposed change: To allow a more reasonable time for consideration of any objections to be given.</p>	
<p>Implications of proposed change :</p> <ul style="list-style-type: none">• Finance and other resource implications: None• Legal implications: None• Consultation/Engagement undertaken (internal and external): The Head of Finance has been consulted on the proposed changes.			

- **Human Rights implications:**

None

- **Equalities and Diversity implications:**

None

- **Risk Management implications:**

None

- **Crime and Disorder implications:**

None

- **Environment and Sustainability implications:**

None

Proposed Changes to Officer Delegation Scheme

1.	Section and Reference	Existing Text	Proposed amendment approved by the Constitution Task Group
	Commissioning and Investment. CI51 School Holidays	To determine any matters in relation to occasional school holidays in consultation with school to ensure the fixing of dates of school terms and holidays in community, voluntary controlled, community special and maintained nursery schools. (Education Act 2002, Section 32)	Delete all text and replace with: In consultation with the Cabinet Member for Children, Young People and Learning to determine when the school terms and holidays are to begin and end, in consultation with community, voluntary controlled, community special and maintained nursery schools. (Education Act 2002, Section 32).
		Reason for proposed change: The existing wording is ambiguous. The Local Authority is required to set term and holiday dates for Community Schools – all other schools can make their own arrangements. The timing of publication for other authorities is reflective of their ability to make delegated decisions. North Tyneside Council's process delays announcements by comparison.	
	Implications of proposed change: <ul style="list-style-type: none">• Finance and other resource implications: N/A• Legal implications: N/A• Consultation/Engagement undertaken (internal and external): Would remain as if a Cabinet decision, in terms of consultation with schools, other LA's, and other agencies.		

- | | |
|--|--|
| | <ul style="list-style-type: none">• Human Rights implications: N/A• Equalities and Diversity implications: N/A• Risk Management implications: N/A• Crime and Disorder implications: N/A• Environment and Sustainability implications: N/A |
|--|--|

2.	Section and Reference	Existing Text	Proposed amendment approved by the Constitution Task Group
	<p>Environment, Housing and Leisure</p> <p>EHL 101</p> <p>Consumer Protection – Licensing: Private hire and hackney carriages</p>	<p>To determine the grant, refusal and suspension of all licences in accordance with the approved Hackney Carriage and Private Hire Policy.</p> <p>Reason for proposed change:</p> <p>It was common practice by this Authority until recent months to suspend a driver's licence with immediate effect following a serious allegation/charge being made against a licensed driver pending the outcome of an investigation/court hearing. At the conclusion of an investigation/court hearing a further decision would be taken in relation to the lifting of the suspension or the revocation of the Licence. However, two High Court decisions have confirmed that it is unlawful for a Licensing Authority to suspend a Licence as an interim step. A Licensing Authority can only determine if there should be a final suspension or revocation of a Licence. This means that if there is a serious allegation made against a driver the only lawful option to the Authority to take the driver off the road if he/she is perceived as being a risk to the public is to revoke the licence with immediate effect. Licensing officers do not have the delegated authority to revoke licences. At present, the Authority is relying on general delegation GD9 given to the Head of Service to make an urgent decision that would have been open to a Committee provided that he has consulted with the Chair and Vice Chair of Regulation and Review Committee and the Monitoring Officer. This delegation can only be used where it is not practical to convene a quorate Committee.</p> <p>The use of this general delegation is cumbersome and there is inevitably a delay in a decision being implemented because of the requirement to consult before a decision is taken to revoke a Licence. As the decision to revoke with immediate effect is only taken in the most serious cases, time is of the essence in terms of protecting the safety of the public and removing drivers from the road sooner rather than later.</p>	<p>To determine the grant, refusal, <u>revocation</u> and suspension of all licences in accordance with the approved Hackney Carriage and Private Hire Policy.</p>

Implications of proposed change:

- **Finance and other resource implications:**

The proposed change can be implemented within Public Protection's existing resources. It would enable a small efficiency to be made as decisions would be made by an officer rather than referring to the Regulation & Review Panel.

- **Legal implications:**

The High Court has made it clear that the use of suspension of a Licence cannot be a holding measure. Any decision to suspend a Licence will be a final decision.

- **Consultation/Engagement undertaken (internal and external):**

Councillor Peter Earley, Chair of Regulation and Review Committee, Councillor John Hunter, Deputy Chair of Regulation and Review Committee.

- **Human Rights implications:** The interference with a Licence may be considered an interference with a person's property contrary to Article 1 of the First Protocol of the European Convention of Human Rights. However, this is a qualified right and it is permissible to interfere with a person's human right if it is appropriate and proportionate to do so. Protecting the public is a legitimate reason to interfere with a driver's Licence by revoking it

- **Equalities and Diversity implications:** There are no direct implications.

- **Risk Management implications:** The decision to revoke a Licence with immediate effect can be appealed against by the licensee. This is no differentiation from any decision taken by an Officer or Committee in relation to taxi/private hire licensing

- **Crime and Disorder implications:** Reasons for immediate revocation may be particularly serious and may result in a criminal investigation.

- **Environment and Sustainability implications:** There are no direct implications

Section and Reference	Existing Text	Proposed amendment approved by the Constitution Task Group
<p>3.</p> <p>Environment, Housing and Leisure</p> <p>EHL183</p> <p>Housing</p>	<p>In consultation with the Head of Finance, write off irrecoverable debt due from former tenants in compliance with the Authority's write off policy. The following officers have delegated powers to write off former tenant rent arrears owed to the Authority:</p> <p>a) Former tenant rent arrears of up to £250 should be authorised by the Debt Recovery Team Leader and countersigned by the Housing Income Manager.</p> <p>b) Former tenant rent arrears with a value between £250 and £1,500 should be authorised by the Debt Recovery Team Leader and countersigned by the Housing Operations Manager.</p> <p>c) Former tenant rent arrears with a value over £1,500 but under £3,000 must be authorised by the Head of Service and countersigned by the Head of Finance.</p> <p>d) Write off of bad debts between £3,000 and £10,000</p>	<p>In consultation with the Head of Finance, write off irrecoverable debt due from former tenants in compliance with the Authority's write off policy. The following officers have delegated powers to write off former tenant rent arrears owed to the Authority:</p> <p>a) Former tenant rent arrears of up to £250 should be authorised by the Debt Recovery Team Leader <u>Team Leader Debt Recovery and Direct Debit</u> and countersigned by the Housing Income Manager <u>Welfare Reform and Income Manager</u>.</p> <p>b) Former tenant rent arrears with a value between £250 and £1,500 should be authorised by the Debt Recovery Team Leader <u>Team Leader Debt Recovery and Direct Debit</u> and countersigned by the Housing Operations Manager.</p> <p>c) Former tenant rent arrears with a value of over £1,500 but under £3,000 must be authorised by the Head of Service and countersigned by the Chief Finance Officer.</p> <p>d) Write off of bad debts between £3,000 and £10,000 requires approval by the Cabinet Member with</p>

	<p>requires approval by the Cabinet Member with responsibility for Housing.</p> <p>e) Write off of bad debts over £10,000 requires a Cabinet decision.</p> <p>All write-off will be evidenced by the appropriate paperwork, signed by the appropriate officer, countersigned by the manager/Cabinet Member as above.</p> <p>The above levels of write-off also apply to Bankruptcy/Debt Relief Order/Individual Voluntary Arrangement where appropriate.</p>	<p>responsibility for Housing.</p> <p>e) Write off of bad debts over £10,000 requires a Cabinet decision.</p> <p><u>d) Write off of bad debts between £3,000 and £50,000 must be authorised by the Head of Service, countersigned by the Chief Finance Officer and approved by the Cabinet Member with responsibility for Housing.</u></p> <p><u>e) Write off of bad debts over £50,000 must be authorised by the Head of Service, countersigned by the Chief Finance Officer and approved by Cabinet.</u></p> <p>All write offs will be evidenced by the appropriate paperwork, signed by the appropriate officer, countersigned by the manager/cabinet member as above.</p> <p>The above levels of write off also apply to Bankruptcy/Debt Relief Order/Individual Voluntary Arrangement/ <u>Sundry Debts (for example rechargeable repairs) / Statute barred Court costs</u> where appropriate.</p>
EHL- New	There is currently no delegated authority for Managers within the Neighbourhood Housing Service to write off	In consultation with the Head of Finance, write off irrecoverable debt due from current tenants in

Housing	irrecoverable debt due from <u>current</u> tenants.	<p>compliance with the Authority's write off policy. The following officers have delegated powers to write off irrecoverable current tenant rent arrears owed to the Authority:</p> <p>a) Current tenant rent arrears of up to £250 should be authorised by the Neighbourhood Team Leader and countersigned by the Neighbourhood Manager.</p> <p>b) Current tenant rent arrears with a value between £250 and £1,500 should be authorised by the Neighbourhood Team Leader and countersigned by the Housing Operations Manager.</p> <p>c) Current tenant rent arrears with a value over £1,500 but under £3,000 must be authorised by the Head of Service and countersigned by the Head of Finance.</p> <p>Write off of bad debts between £3000 and £50,000 must be authorised by the Head of Service, countersigned by the Chief Finance Officer and approved by the Cabinet Member with responsibility for Housing,</p> <p>Write off for bad debt over £50,000 must be authorised by the Head of Service, countersigned by the Chief Finance Officer and approved by Cabinet.</p> <p>All write offs will be evidenced by the appropriate paperwork, signed by the appropriate officer, countersigned by the manager/cabinet member as above.</p> <p>The above levels of write off also apply to</p>
---------	---	---

		Bankruptcy/Debt Relief Order/Individual Voluntary Arrangement/ Sundry Debts (for example rechargeable repairs) / Statute barred Court costs when appropriate.
EHL- New Housing	There is currently no delegated authority to write off credit balances associated with untraceable former tenants.	<p>In consultation with the Head of Finance, write off Credit balances associated with untraceable former tenants in compliance with the Authority's write off policy. The following officers have delegated powers to write off former tenant credits held by the Authority:</p> <p>a) Former tenant credits of up to £250 should be authorised by the Team Leader Debt Recovery and Direct Debit and countersigned by the Welfare Reform and Income Manager.</p> <p>b) Former tenant credits with a value between £250 and £1,500 should be authorised by the Team Leader Debt Recovery and Direct Debit and countersigned by the Housing Operations Manager.</p> <p>c) Former tenant credits with a value over £1,500 but under £3,000 must be authorised by the Head of Service and countersigned by the Head of Finance.</p> <p>d) Write off of credits between £3,000 and £10,000 must be authorised by the Head of Service, countersigned by the Head of Finance and approved by the Cabinet Member with responsibility for Housing.</p> <p>e) Write off of credits over £10,000 must be authorised by the Head of Service, countersigned by the Head of Finance and approved by Cabinet.</p> <p>All write-offs will be evidenced by the appropriate</p>

		paperwork, signed by the appropriate officer, countersigned by the manager/Cabinet Member as above.
	<p>Reason for changes: Following restructure the posts of Debt Recovery Team Leader and Housing Income Team Leader have been deleted.</p> <p>Write off of bad debts related to sundry debts accrued as a result of rechargeable repairs and irrecoverable statute barred courts costs are not currently covered by the delegated authority. These need to be covered by the delegation.</p> <p>There are also instances where debts on current tenant accounts, not associated with bankruptcy, debt relief orders or Individual Voluntary Arrangements need to be written off – an example being when a Housing Benefit Overpayment is debited to a rent account as landlord responsibility as a result of an appeal judgement. Such instances are not currently covered by the delegated authority.</p> <p>In addition, we need to ensure that we have delegated permissions in place to enable credit balances to be written off in cases where the former tenant cannot be traced or has died and no relatives are found.</p>	

- **Finance and other resource implications**
None – the proposed changes are to reflect changes in job titles and structure with additional amendments required to ensure that the Authority is able to fulfil its regulatory requirements and comply with financial good practice with regards to writing off all bad debts (related to both current as well as former tenants) and being able to refund credit balances where applicable.
- **Legal implications:**
The proposed changes ensure that the Authority complies with the Financial Regulations V5a
- **Consultation/Engagement undertaken (internal and external):**
Team Leaders and Managers within Housing and Finance have been consulted on the proposed changes.
- **Human Rights implications:**
None
- **Equalities and Diversity implications:**
None
- **Risk Management implications:**
The proposed changes mitigate the risks associated with non compliance with the Financial Regulations V5a
- **Crime and Disorder implications:**
None
- **Environment and Sustainability implications:**
None

4.	Section and Reference	Existing Text	Proposed amendment approved by the Constitution Task Group
	Environment Housing and Leisure	N/A	Add new exception to the Head of Environment Housing and Leisure taking decisions on planning matters:
	EHL200		“(m) to enter land in Part 2 of the brownfield land register, and thus grant permission in principle, for major development as defined for the purposes of the government PS2 statistical return.”
	Planning	Reason for proposed change: Paragraph EHL200 of the Council’s Officer Delegation Scheme authorises the Head of Environment, Housing and Leisure to determine all matters within the Planning Committee’s terms of reference unless the function is included in a list of exceptions. It is proposed that any decisions to enter land in Part 2 of the register and therefore grant permission in principle for major developments be taken by the Planning Committee and any decisions in relation to minor development be taken by officers under delegated powers.	
Implications of proposed change: Same as items 1 a) and b) under Proposed changes to main Constitution			

5.	Section and Reference	Existing Text	Proposed amendment approved by the Constitution Task Group
	<p>Law and Governance</p> <p>LG52</p> <p>Planning</p>	<p>N/A</p>	<p>Add new sections “t” and “u” :</p> <p>(in consultation with the Chair and Deputy Chair of Planning Committee)</p> <p>t) to revoke tree preservation orders in the following circumstances:</p> <ul style="list-style-type: none"> • A new tree preservation order has replaced an existing tree preservation order; or • All trees within the tree preservation order have been felled and not replaced. <p>and</p> <p>u) to vary tree preservation orders in the following circumstances:</p> <ul style="list-style-type: none"> • A tree or trees within a tree preservation order have been felled; or • A tree or trees have been planted to replace a tree or trees felled
		<p>Reason for proposed change:</p> <p>The Head of Law and Governance currently has delegated authority, in consultation with the Chair and Deputy Chair of Planning Committee, to make tree preservation orders and to confirm those orders when there are no objections.</p>	

		<p>There are times when it is necessary for a tree preservation order to be revoked, such as when the order is replaced with a new order covering the same area or permission has been granted for the removal of all the trees contained within the order. At present a report would have to be referred to the Planning Committee for a decision.</p> <p>Any variation of a tree preservation order, such as a change to tree species or location of a tree as a result of an application to fell a tree contained within the Order and a requirement to plant a replacement tree, would also need to be referred to the Planning Committee.</p> <p>It is considered that it would be more efficient for authority to be delegated to the Head of Law and Governance, in consultation with the Chair and Deputy Chair of Planning Committee, to deal with the above whilst still maintaining appropriate elected member oversight.</p> <p>The Planning Committee will continue to be asked to consider the following:</p> <ul style="list-style-type: none"> • All other variations including where additional trees were added to an existing order; and • All other revocations including when the trees within an order were no longer considered worthy of protection
	<p>Implications of proposed change:</p> <ul style="list-style-type: none"> • Finance and other resource implications: There are no resource implications as a result of the proposed change. The authority already has to process revocations and variations of tree preservation orders within existing budgets. • Legal implications: The authority has a duty to keep its tree preservation orders under review. The proposed change will simply streamline the process for reviewing tree preservation orders whilst maintaining appropriate elected member oversight. • Consultation/Engagement undertaken (internal and external): Chair and Deputy Chair of the Planning Committee have been consulted on the proposed change. External consultation not needed as it is a purely administrative function within the authority. 	

- **Human Rights implications:** There are no Human Rights Implications as a result of the proposed change to the delegation scheme.
- **Equalities and Diversity implications:** There are no equalities and diversity implications as a result of the proposed change to the delegation scheme. It is purely an administrative matter to streamline the process for reviewing tree preservation orders.
- **Risk Management implications:** There are no risks associated with the proposed change. The Authority has a procedure in place to carry out this function. The proposal simply reallocates the task to an officer rather than a Committee of the Authority.
- **Crime and Disorder implications:** There are no crime and disorder implications as a result of the proposal, it is purely an administrative function within the Authority.
- **Environment and Sustainability implications:** The proposed change will support the Authority in maintaining tree preservation orders which protect trees from removal or damage and maintain the treescape of the borough whilst reducing the administrative burden.