

General Purposes Committee	
Meeting Date	10 July 2019
Report Title	Amendments to the Constitution: Responsibility for Functions
Cabinet Member	Cllr Roger Truelove
SMT Lead	David Clifford, Monitoring Officer
Head of Service	Patricia Narebor, Head of Legal Partnership
Lead Officer	Estelle Culligan, Principal Solicitor
Key Decision	No
Classification	Open
Recommendations	<p>1 To recommend to Council that it amends the Constitution as follows:</p> <p>1.1 Within Part 3.3.3 of the Constitution - The Executive Panels and Advisory Bodies, under the heading “Local Plan Panel”, to add the following words to the column headed “Functions”: “To resolve to designate a Conservation Area and to review existing delegations”, as shown on Appendix 1.</p> <p>1.2 Within Part 3.2.1 of the Constitution – Committees, to remove the following wording from the delegations to the Planning Committee: “(t) To resolve to designate a Conservation Area and to review existing delegations”.</p>

1 Purpose of Report and Executive Summary

- 1.1 This report sets out proposed minor amendments to the procedures under the Part 3 of the Constitution, “Responsibility for Functions”.

2 Background

- 2.1 The Deputy Leader and Portfolio Holder for Planning and the Head of Planning Services have agreed that the functions of designating an area as a Conservation Area and of reviewing those designations, sits more properly with the Local Plan Panel. Currently, the delegation is to the Planning Committee.
- 2.2 There is no particular reason why the delegation should sit with the Planning Committee; it is most likely a historical delegation.

3 Proposal

- 3.1 It is felt that the delegation more properly fits with the role and remit of the Local Plan Panel, as designating a conservation area is a policy issue rather than a development control issue.
- 3.2 Legally, there are certain functions which must be functions of either Cabinet or full Council (or a committee of Council). There are also some functions which are “local choice” functions and can be undertaken by either Cabinet or Council¹. However, the legislation is silent on this particular matter. Therefore, if the issue sits more appropriately within the remit of the Local Plan Panel, it is appropriate to amend the Constitution accordingly. The proposed amendments are set out in Appendix 1.

4 Alternative Options

- 4.1 The Committee could decide to keep the existing delegations and rules of procedure as they are. There are no alternative proposals except those recommended in this report.

5 Consultation Undertaken or Proposed

- 5.1 The proposed amendments to Part 3 of the Constitution, Responsibility for Functions, have been requested by the Deputy Leader following discussion with the Head of Planning. The minor amendments to Part 4.1, Rules of Procedure, follow comments made at the last Council meeting. There has been no further consultation. If the recommendations are approved, the report will be considered by Council, in order to amend the Constitution.

6 Implications

- 6.1 The recommendations simply amend the terms of reference of committees in a minor way and also make further minor amendments to the Rules of Procedure, There are unlikely to be any wider implications.

7 Appendices

- 7.1 Appendix 1: Proposed changes to the terms of reference to the Local Development Framework Panel.

8 Background Papers

- 8.1 None

¹ Local Authorities (Functions and Responsibilities) Regulations 2000

Appendix 1
Part 3.3.3 Executive Panel and Advisory Bodies

Who is responsible?	Membership	Functions	Onward limits of delegations
Local Plan Panel	9 Members of the Authority	<p>1 To make recommendations to the Cabinet relating to the making and adoption of the Local Development Framework* (*The Cabinet will make recommendations to the Council on these matters.)</p> <p><u>2 To resolve to designate a Conservation Area and to review existing designations</u></p>	The Local Plan Panel <u>are-is</u> authorised to agree, on behalf of the Council, any minor changes to the Plan that arise as a result of representation submitted (Minute no.624(2)(iv)/4/05 refers).