

Dear Members

**Resources Scrutiny Committee**

A meeting of the Resources Scrutiny Committee will be held on **Wednesday 5 March 2025** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.



Head of Law and Governance

# RESOURCES SCRUTINY COMMITTEE

5 MARCH 2025

Chair - Councillor M J Winnington

## AGENDA

- 1 Minutes of 21 January 2025 as previously published on the Council's website.
- 2 Apologies
- 3 Public Question Time - Nil
- 4 Councillor Session - Nil
- 5 Called in Items - Nil

## Page Nos

- 6 Members' Items - Nil
  - 7 Officers' Reports
- |              |                                      |    |   |    |
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| ITEM NO 7(a) | <b>Q3 Performance Report</b>         | 3  | - | 15 |
|              | HEAD OF TRANSFORMATION AND ASSURANCE |    |   |    |
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|              | HEAD OF LAW AND GOVERNANCE           |    |   |    |

## Membership

Chair - Councillor M J Winnington

K M Aspin	B McKeown
E L Carter	A Nixon
M G Dodson	J S Powell
R A James	J P Read
A M Loughran	M J Winnington

**Agenda Item 7(a)****Quarter 3 Performance Report for 2024-25**

<b>Committee:</b>	Cabinet
<b>Date of Meeting:</b>	6 March 2025
<b>Report of:</b>	Head of Transformation and Assurance
<b>Portfolio:</b>	Councillor R P Cooke, Resources Portfolio

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**1 Purpose of Report**

- 1.1 To advise Members on the progress in delivering the Council's priorities and performance at the end of the quarter 3 for 2024-25.

**2 Recommendations**

- 2.1 To note the progress made during quarter 3 in the delivery of the Council's priorities and performance as set out in **APPENDICES 1 AND 2**.

**Reasons for Recommendations**

- 2.2 The performance information allows Cabinet to monitor progress in delivery of the Council's corporate priorities and operational services.

**3 Key Issues**

- 3.1 Priority Delivery Plans (PDPs) for 2024/25 have been produced pending the development of a new Corporate Business Plan. They set out the Council's key strategic and operational priorities and the key actions to deliver these.
- 3.2 Overall, 76% of the key actions have been delivered or are on schedule to be completed. Progress in delivering the PDPs is summarised in 5.3 of the report and set out in detail in **APPENDICES 1A TO 1D**.
- 3.3 With regard to the operational performance of the key services of the Council, 76% of targets have been met or exceeded. Further details can be found at 5.6 and in **APPENDIX 2**.

**4 Relationship to Corporate Priorities**

- 4.1 The indicators and actions contribute individually to all of the Council's priorities.

## 5 Report Detail





5.1 The Corporate Business Plan 2021-24 sets out the Council's overarching priorities. Pending the development of the new corporate business plan, the overarching priority themes remain the same but new priority delivery plans have been developed setting out the key strategic and operational priority projects and the key actions to deliver these.

### Priority Delivery Plans

5.2 The Priority Delivery Plans are set out in **APPENDICES 1A TO 1D**, to this report. These plans establish the actions and timetable for delivery and form the basis of the Council's performance reporting framework.

5.3 A commentary on performance and a rating for each of the actions set out in the Delivery Plans is given in **APPENDICES 1A TO 1D**. A summary of progress, by rating, is given in table 1 below.

**Table 1: Summary of progress in delivery of key projects/actions as at end of Quarter 3**

Performance Rating	Action complete	Work on Target	Work < 3 months behind schedule	Work > 3 months behind schedule	N/A	Actions due by end of Quarter 3	Actions not yet due	Total Number of Actions
Corporate Business Plan Priority							N/A	
The Economy	10	3	5			18	9	27
Community	7	3	1		1	12	12	24
Climate Change			3			3	0	3
The Council	7	4	1			12	5	17
<b>Total</b>	<b>24 (54%)</b>	<b>10 (22%)</b>	<b>10 (22%)</b>		<b>1 (2%)</b>	<b>45</b>	<b>26</b>	<b>71</b>





5.4 At the end of quarter 3, of the 45 projects/actions due for delivery in this period:

- 34 (76%) have been completed or are on target to be completed; and
- 11 (24%) are behind schedule or no longer applicable.

### Key Performance Indicators

5.5 In addition to the Delivery Plans, performance is also reported against the delivery of key operational services; Key Performance Indicators (KPIs) for these services are set out in **APPENDIX 2**. In summary:

**Table 2 - Summary of key performance indicators for Quarter 3**

Corporate Business Plan Priority					N/A	Total Number of KPIs
	Performance exceeds target	Performance on target	Performance < 5% below target	Performance > 5% below target	Not Available / Annual	
The Economy	4		2	1		7
Community	7	3	1		8	19
The Council	4	1	1	1	6	13
<b>Total</b>	<b>15</b>	<b>4</b>	<b>4</b>	<b>2</b>	14	<b>39</b>

5.6 Of the 25 indicators due to be reported on in quarter 3:

- 19 indicators show performance on or above target (76%); and
- 6 indicators show performance below target (24%).

## 6 Implications

### 6.1 Financial

There are no direct financial implications arising from the report. The financial management of the PDPs is standard in accordance with Financial Regulations and any measure to address a performance shortfall as reflected in a PDP report will require compensatory savings to be identified in the current year and be referred to the budget process for additional resources in future years.

### 6.2 Legal

None

### 6.3 Human Resources

None

### 6.4 Risk Management

The Council's Strategic Risk Register sets out the risks the Council faces in delivering its priorities.

### 6.5 Equalities and Diversity

Equality and diversity matters are addressed in individual services areas and by undertaking equality impact assessments for projects and programmes of work where this is necessary and appropriate.

### 6.6 Health

None

**6.7 Climate Change**

None

**7 Appendices**

- Appendix 1A: The Economy
- Appendix 1B: Community
- Appendix 1C: Climate Change
- Appendix 1D: The Council
- Appendix 2: Key Performance Indicators

**8 Previous Consideration**

None

**9 Background Papers**

Corporate Plan 2021-24

**Contact Officer:** Judith Aupers

**Telephone Number:** 01543 464411

**Ward Interest:**





**Report Track:** Cabinet 20 February 2025  
Resources Scrutiny Committee  
Economic Development and Planning Scrutiny Committee  
Community Wellbeing Scrutiny Committee

**Key Decision:** No

## Priority Delivery Plan for 2024-25

### Priority 3 - Climate Change

#### Summary of Progress as at end of Quarter 3

Quarter					Total Number of Projects
	Action completed	Work on target	Work < 3 months behind schedule	Work > 3 months behind schedule	
1 and 2					0
3			3		3
4					0
<b>TOTAL</b>			<b>3</b>		<b>3 due to Q3</b>




#### Summary of Successes as at Quarter 3

N/A

#### Summary of Slippage as at Quarter 3

There has been a delay in finalising the climate change strategy to allow Keele University to review and comment on it before it is brought to Cabinet for approval.

## Priority 3 - Climate Change





Project	Actions and Milestones	Q1	Q2	Q3	Q4	Progress Update	Symbol
<b>Climate Change Strategy</b>	Revised Climate Change Strategy developed and in place			X		There has been a delay to allow Keele University to review and comment on the strategy to ensure a robust approach from the Council. There is an expectation that revisions will be made and the strategy will be then brought to Cabinet.	
	Recruitment of staff to support delivery of strategy and monitor operational delivery			X		Recruitment will take place once the strategy is in place.	
	New Governance Structure in place to track operational delivery			X		To be completed once the strategy is in place.	



## Priority Delivery Plan for 2024-25

### Priority 4 - The Council

#### Summary of Progress as at end of Quarter 3

Quarter					Total Number of Projects
	Action completed	Work on target	Work < 3 months behind schedule	Work > 3 months behind schedule	
1&2	6	2			8
3	1	2	1		4
4					5
<b>TOTAL</b>	<b>7 (59%)</b>	<b>4 (33%)</b>	<b>1 (8%)</b>		<b>12 to end Q3</b>

#### Summary of Successes as at Quarter 3

The key success in Quarter 3 include:






- The completion of the accounts for 2021/22 and 2022/23 which was a substantial piece of work;
- The approval of the transformation and digital strategies


#### Summary of Slippage as at Quarter 3

There has been some slippage on the scoping of the transformation work, but this is in progress and is due to be completed in quarter 4.





## Priority 4 - The Council

Project	Actions and Milestones	Q1	Q2	Q3	Q4	Progress Update	Symbol
<b>Closure of the Accounts</b>	Closure of the accounts 23/24				X		
	Catch up on closure of previous years accounts			X		The accounts for 2021/22 and 2022/23 have been completed	★
<b>Transformation Strategy and Plan</b>	Approval of the Transformation Strategy and Plan		X			The strategy has been approved by Cabinet (5 December 2024)	★
	Brief Senior Management Team on the strategy		X			Completed	★
	Complete scoping work to support development of the Transformation work programme			X		Work has commenced and is due to be completed in quarter 4	▲
	Develop the Transformation work programme				X		
<b>Digital Strategy</b>	Finalise the digital technology strategy		X			The strategy has been approved by Cabinet (5 December 2024)	★
	Procurement of switches for Infrastructure Upgrade	X				Procurement completed.	★


Project	Actions and Milestones	Q1	Q2	Q3	Q4	Progress Update	Symbol
	Plan for installation of new switches		X			Planning and preparation work is nearly complete. The switches have been configured and the risk assessments for installation completed. Installation due to commence in quarter 4	
	Installation of new switches				X		
	Identify IT systems in need of replacing over next 3 years		X			Completed - systems have been identified	
	Assessment and prioritisation of systems to be replaced		X			The list of systems to be replaced has been reviewed and priorities agreed for the next 3 years.	
	Technology Board to approve systems to be replaced			X		To be discussed and agreed with Leadership Team 21 January 2025	
	Note - Project plans will be developed for each system once prioritisation has been agreed and the PDP will be updated accordingly						
<b>Strategic asset management including the review of key assets</b>	<b>Corporate Assets ICT System</b>						
	Research Systems available		X			Alternative systems are being explored - 2 systems demos have been completed	

Project	Actions and Milestones	Q1	Q2	Q3	Q4	Progress Update	Symbol
	Draft specification for new system				X		
	<b>Insurance Reinstatement Valuations</b>						
	Secure Budget			X		Agreed, subject to business case	
	Commission Service Provider to complete Valuations				X		

### KPIs for Business Objective 4 - The Council

Symbol	Description	Qtr 2	Qtr 3	Qtr 4	End of Year
	Performance exceeds target	3	4		
	Performance on target		1		
	Performance < 5% below target	3	1		
	Performance > 5% below target	1	1		
N/A	Reported Annually / Not Applicable	6	6		
	<b>TOTAL</b>	<b>13</b>	<b>13</b>		

Indicator	Year End 23/24	Target 24/25	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year End 24/25	Rating Symbol	Comments
<b>Local Taxation and Benefits</b>									
Days taken to process new HB/CT Claims	29.1	20 days	27.6	20.8	16.1			★	
Days taken to process new HB/CT change of circumstances	7.1	9 days	8.3	3.3	4.3			★	
% of Council Tax collected annually	97.6%	98% by year end	28.8%	55.8%	83.1%			✓	
% National non-domestic rates (NNDR) collected	97.9%	98% by year end	31.2%	59.1%	83.0%			▲	This performance is 0.8% lower than the corresponding period in 2023-24. It seems to be caused in part by changes to large properties earlier in the year and the effect on their instalments. The shortfall against prior year collection is reducing each month and hopefully will be removed in q4.
<b>Transformation and Assurance</b>									
% of calls answered	92%	94%	95.8%	97.8%	97.2%			★	
Average call wait time	1.42	2 min	1.07	0.38	00.40			★	

Indicator	Year End 23/24	Target 24/25	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Year End 24/25	Rating Symbol	Comments
Number of calls answered	New	N/A	14,747	14,134	14,438			N/A	This is not a measure but gives context to the performance in call handling
<b>Law and Governance</b>									
FOI requests within time i.e. 20 working days	New	85%	77%	76%	78.1%				Long term sickness affected performance but should not be a factor in future periods.
<b>Corporate Assets</b>									
% of buildings with a valid annual landlord Gas Safety Record	New	100%						N/A	Annual KPI
% of buildings with a valid Electrical Certificate (within 5 years)	New	100%						N/A	Annual KPI
% of passenger lifts that have a valid 6 monthly thorough examination record	New	100%						N/A	Annual KPI
% of buildings that have a current Legionella risk assessment	New	100%						N/A	Annual KPI
% of buildings that have a current Fire risk assessment	New	100%						N/A	Annual KPI

## Agenda Item 7(b)

# Review of the Constitution

**Committee:** Resources Scrutiny Committee

**Date of Meeting:** 5 March 2025

**Report of:** Head of Law and Governance

**Portfolio:** Resources

## 1 Purpose of Report

1.1 The purpose of this report is to present the Committee with details of the recommended amendment to the Constitution as suggested by the Task and Finish Review Group.

## 2 Recommendations

2.1 That the amendments detailed in the **APPENDIX** be forwarded for consideration at the Council meeting due to be held on 8 April 2025.

### Reasons for Recommendations

2.2 Adoption of the amendments has been recommended by the Constitution Review Task and Finish Working Group as part of the 2025 annual review.

## 3 Key Issues

3.1 Article 15.1 of the current Constitution requires the Monitoring Officer to review the Constitution on an annual basis.

3.2 Accordingly, the Resources Scrutiny Committee agreed to establish a Task and Finish Review Group to undertake a Review of the Constitution.

3.3 The Constitution Task and Finish Review Group have recommended amendments to the Constitution during the course of their review.

3.4 If agreed by this Committee, the suggested amendments to the Constitution will be reported to the Council meeting on 8 April 2025.

## 4 Relationship to Corporate Priorities

4.1 The Constitution supports all of the Council's Corporate Priorities.



## **5 Report Detail**

- 5.1 Article 15.1 of the Constitution requires the Monitoring Officer to review the Constitution on an annual basis.
- 5.2 Following the last review, the Resources Scrutiny Committee at its meeting held on 25 November 2024 (Minute No RSC10 refers) agreed to establish a Task and Finish Review Group in order to undertake the annual Review of the Constitution.
- 5.3 The aim of the Task and Finish Review was to report any suggested amendments to the Constitution to this Committee, with a view to making formal recommendations to Council on 8 April 2025.
- 5.4 The Constitution Task and Finish Review Group have recommended amendments to the Constitution during the course of their Review, which are detailed in the **APPENDIX**.
- 5.5 A further proposal has been received since the task and finish group met. It seeks to clarify that the Head of Regulatory Services is the Councils Proper Officer for land charge functions and is shown as paragraph (f) in the **APPENDIX**.

## **6 Implications**

### **6.1 Financial**

None

### **6.2 Legal**

None

### **6.3 Human Resources**

None

### **6.4 Risk Management**

None

### **6.5 Equalities and Diversity**

None

### **6.6 Health**

None

**6.7 Climate Change**

None

**7 Appendices**

Appendix 1: Amendments to the Constitution: 2024 Annual Review

**8 Previous Consideration**

None

**9 Background Papers**

File available in Law and Governance

**Contact Officer:** Jackie Allen

**Telephone Number:** 01785 619552

**Ward Interest:** All

**Report Track:** Resources 5 March 2025  
Council 8 April 2025

## Appendix 1

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### Amendments to Constitution: 2024 Annual Review

*[NB. Wording to be added is shown within a grey box and wording to be deleted is shown as ~~struck through~~].*

- a) Split functions of Public Appeals Committee between Licensing Committee and Planning Committee (Taxi Driver appeals would go to Licensing Cttee and TPO objections to Planning Cttee)

#### Part 2, Article 8

##### 8.1 Planning Committee

###### Constitution

The Planning Committee shall be a Committee of the Council with 11 Members.

###### Terms of Reference

To consider and determine or make recommendations on:

- (a) applications in respect of development control, building regulation and advertising regulations, listed building control and all related matters;
- (b) enforcement in relation to the above matters.
- (c) **Objections to** Tree Preservation Orders, ~~other than hearing representations from members of the public.~~

To agree or approve:

- (a) Planning Applications Validation Criteria
- (b) Development master plans, development briefs, and other planning guidance as material planning considerations.

###### Delegation

The Planning Committee shall have delegated power to act on any matter within its terms of reference which may lawfully be delegated to it.

##### ~~8.3 Public Appeals Committee~~

## **Constitution**

~~The Public Appeals Committee shall be a Committee of 5 Members who shall sit to hear and determine each matter.~~

## **Terms of Reference**

~~To hear and determine appeals and representations from members of the public in relation to licensing and registration (excluding Public Entertainment Licensing) tree preservation orders and housing conditions.~~

## **Delegation**

~~The Public Appeals Committee shall have delegated power to act on any matter within its terms of reference which may lawfully be delegated to it.~~

## **8.34 Licensing Committee**

### **Constitution**

The Licensing Committee shall be a Committee of the Council with 10 Members. Three members of the Committee may sit as a Licensing Sub-Committee with the authority to carry out any of the Committee's functions.

### **Terms of Reference**

- (a) To discharge the Council's Licensing Functions under the Licensing Act 2003 except the determination of its Licensing Policy and publication of the licensing statement under Section 5 of that Act.
- ~~(b) To deal with Public Entertainment Licensing (together with Public Entertainment Licence appeals while these Licences still exist).~~
- (b) ~~(c)~~ To discharge the Council's functions under the Gambling Act 2005 except for the functions specified in sections 166, 212 and 349 of the Act.
- (c) To determine any issues relating to the approval, revocation, suspension or variation of licences, other than those submitted under the Licensing Act 2003 and the Gambling Act 2005.

### **Delegation**

The Licensing Committee shall have delegated power to act on any matter within its terms of reference which may be lawfully delegated to it.

**Part 3, Section 2, Council Functions:**

Public Appeals Licensing Committee: 107 Members of the Authority: See Part 2, Article 8.3

Audit and Accounts Committee: 6 Members of the Authority: See part 2, Article 8.54

**Part 4, Section 6**

**6.1 Planning Committee Procedure Rules**

**Order of Business**

The Order of business at ordinary meetings of the Planning Committee shall be:-

- (a) Apologies
- (b) Minutes of the previous ordinary meeting and any other meetings since the last ordinary meeting
- (c) Declarations of interest and Lobbying on matters on the Agenda
- (d) Reports from the Officers of the Council The reports from the Officers will normally be taken in the order in which they appear on the agenda but the Chairman may at their discretion alter the order in which the reports are taken.

**Rules of Debate**

- (a) The planning officer will provide a brief description of the matter and the relevant considerations and update the Committee on any matters arising on the item since the agenda was published
- (b) The Chairman will invite those members of the public entitled to speak under the Council's Protocol on Making Representations to Planning Committee to address the Committee in the order:-

Objector

Supporter

For a maximum of 3 minutes each.

NB. In relation to consideration of objections to TPO's, at this point in the proceedings members of the public in attendance should be invited to speak. Where a member of the public wishes to speak, full details of their name and address should be noted and it must be explained to the person in question that questions may be asked of them by both the Committee and relevant officer of the local authority. Only one objector and one supporter may be entitled to speak at the meeting for a maximum of 3 minutes each. Where a group of residents wish to speak then they should be asked to nominate a spokesperson

- (c) The Chairman will invite those Members representing a ward in which the matter is located or a neighbouring ward that is affected by the matter to speak, provided that no individual Member should speak, for more than 5 minutes, or longer at the discretion of the Chairman. At the invitation of the Chairman, the Ward Member may contribute during the debate to correct any inaccuracies and misunderstandings. When a Member representing the Ward is unable to attend they may nominate another Member to speak on their behalf. Any Ward Member may provide photographs and/or written material for presentation at the Committee at least 2 clear working days prior to the meeting.
- (d) A member moving a proposition must state the reasons for the proposition at the time of moving it. No debate on a proposition shall take place until it has been seconded.
- (e) A member moving an amendment to a proposition must state the reasons for the amendment at the time of moving it. No debate on an amendment shall take place until it has been seconded.
- (f) Speeches including those made by Councillors who are not members of the Committee speaking on Appendix Items, shall be a maximum of 5 Minutes long
- (g) No member may speak for a second time on an item other than in right of reply except with the permission of the Chairman for a maximum of 2 minutes on a point arising out of another member's speech since they last spoke
- (h) The mover of a motion or amendment may reply to the debate for a maximum of 2 minutes at the end of the debate immediately before the vote.
- (i) If a proposition to determine or defer a matter is lost a further proposition to determine or defer the matter with reasons must be put to the Committee to conclude the item. If no other member puts a further proposition the Chairman shall put such proposition, as they consider appropriate and this proposition need not be seconded.

- (j) If a motion or an amendment that the Committee undertake a site visit in respect of an application is moved and seconded, the debate will continue on that motion or amendment. If the motion is carried, at the meeting following the site visit these rules of debate will apply with the following provisos:-
- The ~~planning~~ officer will confine their presentation to matters arising from the site visit and updating the Committee on any matters which have arisen since the previous meeting.
  - The members of the public and the ward members will confine their remarks to matters arising from the site visit and any new matters raised by the planning officer.
- (k) At any point during the debate a member may, through the Chairman ask the officers for information, clarification or advice. If at any point during the debate an officer indicates that they wish to give advice to the Committee the Chairman shall call the officer to speak.
- (l) All speeches must be directed to the planning merits of the matter under debate.
- (m) A member who has been lobbied on a matter should declare the nature of the lobbying to the Committee before speaking or voting on the matter.
- (n) The Chairman may at their discretion extend the time limit for any speech where the exceptional complexity or potential impact of the matter under consideration merits it. In doing so the Chairman will have regard to the need to give a fair opportunity to the hearing of all speakers.

Paragraph (b) shall not apply to any matter other than the determination of an application for planning permission.

### **Taking the Vote**

When the chairman concludes the debate, the vote is taken. Only Members of the Committee are allowed to vote, not visiting Members. If the votes are equal the Chairman has a casting vote.

### **Reasons for a Decision**

The reasons for a decision as stated in the proposition will be recorded in the minutes. If they are unclear the officers will ask for clarification before the vote is taken.

### **Additional Points (including Members Interests)**

Members of the public and media are allowed to attend the committee. However, members of the public and media are not entitled to speak on any of the items on the agenda except in accordance with the Council's scheme. Members of the public and media are not allowed to remain where a confidential item (in accordance with the Local Government Act 1972) is to be determined.

Where a prejudicial interest in an application is declared by a Member of the Committee or a Visiting Member they will leave the room for the duration of consideration of that item.

The Planning Committee Site Visits follows the same procedure except it does not deal with the minutes from the previous meeting.

### **Site Visits**

No committee member should attend and take part in the debate on a matter considered at a site visit meeting unless they have also been present throughout the debate on that matter at the meeting which called for the site visit.

The site visit is under the control of the Chairman of the Planning Committee. Accompanying Officers, Members of the Committee and any visiting Members may only speak at the discretion of the Chairman. Applicants, agents or third parties are not allowed to address the Committee on site visits and Members should not enter into discussions with them. If approached at the meeting Members should refer the person to one of the Officers present.

At the Chairman's discretion, Members may ask the Officers questions or seek clarification from them on matters which are relevant to the site inspection. A ward member may attend the site visit but must follow the rules applying to committee members. Ward members may, with the permission of the Chairman, point out relevant matters on site or request the committee to view the site from particular points but should not otherwise address the committee or enter into discussions with committee members, applicants, agents, objectors or others during the visit.

The purpose of the visit is to examine the site in relation to the proposal and not to enter into a debate concerning the merits of the proposal. The opportunity for debate is at the meeting afterwards. Members should ensure that they do not express opinions or views to any one during the site visit.

The Committee undertakes the site visit as a formal group and will enter and leave the site as such and should remain together throughout. Members should not enter into discussions with applicants, agents or third parties.



Members declaring an interest in any matter should not attend the site visit in relation to that matter. If there is more than one site visit a member with an interest in one may attend the visits but must remain on the coach at the site in which an interest has been or will be declared.

A meeting of the Committee will follow the site visit. This will take place at the Council offices and will follow the normal Committee rules.

### **Right of Reply**

At the conclusion of a debate and before a vote is taken a ward member who has previously addressed the committee may speak for a maximum of two minutes in response to the debate. The mover of the proposal under debate shall have the right to speak for a maximum of two minutes after the ward member.

### **Procedure Rules for Major Applications**

- 1 This procedure will apply only to all large scale major applications (LSMs) and such other major applications as the Head of Development, in consultation with the Chairman, consider appropriate other than applications to renew or amend previously permitted applications.
- 2 LSMs will be excluded from the scheme of delegation and must be determined by the Planning Committee.
- 3 A special meeting of the Committee will be arranged for the purpose of determining each application referred to in paragraph 1 above, and no other business will be on the agenda for the meeting.
- 4 The Committee will undertake a site visit before the meeting.
- 5 At the meeting the time limit for the applicant and objectors to address the Committee will be extended to 10 minutes. This time may be split between more than one speaker providing the total time of 10 minutes is not exceeded. The applicant and objector will be allowed to make a presentation to the Committee as part of the address. The presentation must not introduce new material that has not been submitted as part of the planning application or public consultation exercise and the materials to be used must be submitted to the Development Manager at least 2 working days before the Committee meeting.
- 6 Following an address by the applicant or objector the Committee may ask questions of clarification only through the Chairman.

- 7 The Chairman will invite those Members representing a ward in which the matter is located or a neighbouring ward that is affected by the matter to speak. Those members shall between them speak for no longer than 10 minutes or longer at the discretion of the Chairman. In the absence of agreement between those members each shall be allowed a proportionate part of the 10 minutes. At the invitation of the Chairman, the Ward Member may contribute during the debate to correct any inaccuracies and misunderstandings. When a Member representing the Ward is unable to attend they may nominate another Member to speak on their behalf. Any Ward Member may provide photographs and/or written material for presentation at the Committee at least 2 clear working days prior to the meeting.

## **6.2 Licensing Committee Procedure (matters other than Licensing Act 2003 and Gambling Act 2005) ~~Public Appeals Committee Procedure~~**

### **Introduction of the Case**

- 1 The Head of Law and ~~Governance Administration~~, or their representative, advising the Committee will commence by outlining the procedure to be followed.

### **The Case for the Local Authority**

- 2 The Local Authority's representative will state the Authority's case and may call witnesses.
- 3 The applicant or advocate may ask questions of the Authority's representative or any witness.
- 4 The Members of the Committee may then ask questions of the Authority's representative or any witness.

### **The Case for the Applicant**

- 5 The applicant or advocate will state the applicant's case, and may call witnesses.
- 6 The representative of the Local Authority may ask questions of the applicant or advocate, or any witness.
- 7 The Members of the Committee may then ask questions of the applicant or advocate, or any witness.

### **Members of the Public can have the Opportunity to Speak**

~~8 At this point in the proceedings members of the public in attendance should be invited to speak. Where a member of the public wishes to speak, full details of their name and address should be noted and it must be explained to the person in question that questions may be asked of them by both the advocate for the applicant and the advocate for the local authority. Only one objector and one supporter may be entitled to speak at the meeting for a maximum of 3 minutes each. Where a group of residents wish to speak then they should be asked to nominate a spokesperson (the above procedure will apply).~~

### **Summing Up**

8 9 The Authority's representative will then be invited to sum up; no new material may be introduced at this stage.

9 10 The applicant or advocate will then be invited to sum up; no new material may be introduced at this stage.

### **Members Deliberations and Decision**

10 11 The parties will then withdraw whilst the Committee considers the case.

11 12 The Committee with the Head of Law and Governance Administration or their representative to the Committee will deliberate in private only recalling the parties to clear points of uncertainty on evidence already given. If recall is necessary both parties will return notwithstanding that only one may be concerned with the point giving rise to the recall.

### **Decision of the Council**

12 13 The Committee will, if possible, announce the decision to the parties at the end of the hearing; the decision being confirmed in writing afterwards.

### **Additional Points**

13 14 If it is appropriate to do so the Committee can be adjourned for a short time, or members of the public and media may be excluded, if matters to be discussed are confidential in accordance with the Local Government Act 1972.

14 15 Where a matter before the Committee relates to a hackney carriage or private hirers licence then an additional procedure dealing with "spent" convictions may need to be followed. Where the officer feels that a person's spent convictions are relevant then the procedure to follow will have to form part of the proceedings:-

## The Procedure

When the PNC record is received the "live" convictions will be addressed first. Following this, the "spent" convictions will be reviewed and those which are considered to be relevant will be marked. Relevant in this context means relevant to the question of whether or not the appellant is a fit and proper person to hold a hackney carriage or private hire drivers licence. In practice, this consideration of the relevant "spent" convictions will be carried out in consultation with a Principal Officer and in certain cases with a Council Solicitor. However, only the Licensing Officer will know the identity of the appellant, the other Officers will consider only the relevance of the convictions.

When the application is considered by the Committee, any "live" convictions will be detailed in the usual way. If there are "spent" convictions that the Officers consider are relevant, the following paragraph will be included on the Committee report:

"The record shows that the appellant has "spent" convictions m ...(dates of convictions just the year). Under the Rehabilitation of Offenders Act 1974, in accordance with Section 7(3) of the Act, these matters should not be admitted unless the Committee feels that justice cannot be done except by admitting them or requiring evidence of them."

When the report is considered by the Committee, the Solicitor providing advice to the Committee will advise the Committee that it is considering whether or not the appellant is a fit and proper person to hold a Hackney Carriage or Private Hire Vehicle driver's licence and it must consider whether it wishes to hear further details of the "spent" convictions mentioned in the report. The appellant will be given the opportunity to address the Committee on this question. At this stage the Committee will only know that there are "spent" convictions and the years of each conviction.

If the Committee decide, after hearing the appellant's representations, that for justice to be done they need to hear further details of these "spent" convictions, the Head of Regulatory Services or their representative ~~Operations~~ will provide further details. These further details will provide general information to the Committee relating to the class, age and gravity of each "spent" offence. After the Committee has heard this general information, the appellant will be able to address the Committee regarding this information. If, after hearing the appellant's submissions, the Committee is satisfied that justice would be done by hearing exact details of the "spent" convictions, then the Head of ~~Operations~~ Regulatory Services or their representative will provide the Committee with the exact details of the "spent" convictions for its consideration. In considering whether to hear the details of any "spent" convictions, the Committee must weigh the interests of the public against those of the appellant in order to reach a fair conclusion.

Once the Committee has heard the details of the "spent" offences together with any "live" convictions, the matter will be progressed as before with the Head of Operations Regulatory Services or their representative putting forward their case and the appellant responding. The case will be heard without the media present. The appellant's name will not appear on the Committee report and only "live" convictions and the paragraph set out above alluding to "spent" convictions (if relevant) will be included on the report and made public. The decision of the Committee to refuse or grant the licence will be reported in the Digest.

### **Site Visits**

~~No committee member should attend and take part in the debate on a matter considered at a site visit meeting unless they have also been present throughout the debate on that matter at the meeting which called for the site visit.~~

~~The site visit is under the control of the Chairman of the Public Appeals Committee. accompanying Officers, Members of the Committee and any visiting Members may only speak at the discretion of the Chairman. Applicants, agents or third parties are not allowed to address the Committee on site visits and Members should not enter into discussions with them. If approached at the meeting Members should refer the person to one of the Officers present.~~

~~At the Chairman's discretion, Members may ask the Officers questions or seek clarification from them on matters which are relevant to the site inspection.~~

~~A ward member may attend the site visit but must follow the rules applying to committee members. Ward members may, with the permission of the Chairman, point out relevant matters on site or request the committee to view the site from particular points but should not otherwise address the committee or enter into discussions with committee members, applicants, agents, objectors or others during the visit.~~

~~The purpose of the visit is to examine the site in relation to the proposal and not to enter into a debate concerning the merits of the proposal. The opportunity for debate is at the meeting afterwards. Members should ensure that they do not express opinions or views to any one during the site visit.~~

~~The Committee undertakes the site visit as a formal group and will enter and leave the site as such and should remain together throughout. Members should not enter into discussions with applicants, agents or third parties.~~

~~Members declaring an interest in any matter should not attend the site visit in relation to that matter. If there is more than one site visit a member with an interest in one may attend the visits but must remain on the coach at the site in which an interest has been or will be declared.~~

~~A meeting of the Committee will follow the site visit. This will take place at the Council offices and will follow the normal Committee rules."~~

**(a) Update definitions of Cabinet and Executive at the start of the Constitution**

**Part 1: Summary and Explanation**

**Glossary of Terms Found in the Constitution**

Cabinet        The ~~five~~ Councillors who, together with the Leader and Deputy Leader, form the Executive.

Executive      The leader, Deputy Leader and the ~~five~~-portfolio holding Councillors collectively form the executive, and are legally responsible for implementing council policies within the budget and policy

**(b) Add clarity to the current public speaking at Planning Committee protocol regarding the need for speakers to give further notice if they wish to speak at a deferred meeting.**

**Part 5 - Codes and Protocols: Protocol on Making Representations Direct to Planning Committee**

**8 Items which reach the Planning Committee but are then deferred before a decision is made**

The Planning Committee may wish to defer consideration of a planning application to either seek further clarification/information from the applicant or to visit the site. When the matter is reported back to Committee the order of business will remain as set out in Paragraphs 3 and 4 above. For the avoidance of doubt this means that the same speakers will be allowed to speak again but will first need to contact the Council to notify it of their intention to do so. If the speaker is unavailable on the deferred date they may nominate a substitute to speak on their behalf.

**(c) Add reference to licensing delegations previously approved by Council in respect of sex establishments and pavement licences**

**Part 3 - Responsibility for Functions, Section 6: Scheme of Delegations**

**Head of Regulatory Services**

3.4.14 The Council's powers and functions relating to the following licensing matters:-

- (m) Determination of unopposed applications to renew and/or transfer a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982

(n) Determination of Pavement Licence applications under the Business and Planning Act 2020

**(e) Move authorities for dealing with High Hedge complaints from the Head of Law to the Head of Planning**

**Head of Economic Development and Planning**

Add: 3.6.3(i) Authority to deal with complaints under Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges) including any resulting notices, appeals, prosecutions and enforcement action arising from those complaints.

**Head of Law and Governance**

Delete: 3.3.18 ~~Authority to deal with complaints under Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges) including any resulting notices, appeals, prosecutions and enforcement action arising from those complaints.~~

**(f) Add the following paragraph to the Officer Scheme of Delegation:**

Add: 3.4.70 The Head of Regulatory Services is designated as the 'Proper Officer' for the carrying out of the following functions:

- (a) Maintaining the local land charges register and responding to queries.
- (b) As local registrar under Section 15 of the Land Charges Act 1925.

**(g) Update the scheme of delegation in respect of TPO and Hedgerow functions**

Delete 3.59, 3.6.10 and 3.6.11 and replace with new 3.59:

3.59 Matters relating to Tree Preservation Orders, Trees in Conservation Areas and Countryside Hedgerows

1. To make, vary, modify, revoke, (and confirm unless there are substantial unresolved objections) tree preservation orders under section 198 of the Town and Country Planning Act 1990 (as amended).
2. To determine applications made under tree preservation orders (TPO's) and determine notifications made in respect of trees in Conservation Areas (S211 notices).

3. To exercise all powers in relation to the duty to replace trees protected by TPO or within Conservation Areas.
4. To deal with any appeals in relation to the determination of TPO applications.
5. To exercise all powers relating to countryside hedgerows as set out in the Hedgerows Regulations 1997 and the Environment Act 1995
6. To exercise all powers in relation to the enforcement of Tree Preservation Orders and of the protection of Trees in Conservation Areas including the use of injunctions and temporary stop notices.



## Agenda Item 7(c)

# Work Programme - Resources Scrutiny Committee

**Committee:** Resources Scrutiny Committee

**Date of Meeting:** 5 March 2024

**Report of:** Head of Law and Governance

**Portfolio:** Resources

## 1 Purpose of Report

1.1 The purpose of this report is to present the Resources Scrutiny Committee's Work Programme

## 2 Recommendations

2.1 That the report be noted.

### Reasons for Recommendations

2.2 The first stage in achieving a Member-led Overview and Scrutiny process is to develop a Work Programme for the Members of the Committee to own.

## 3 Key Issues

3.1 Accordingly, an up-to-date copy of the Resources Scrutiny Committee's Work Programme is provided for Members to consider or amend as appropriate.

## 4 Relationship to Corporate Priorities

4.1 This report is most closely associated with the following Corporate Business Objective 3:-

To be a well-run, financially sustainable and ambitious organisation responsive to the needs of our customers and communities and focussed on delivering our objectives.

## 5 Report Detail

- 5.1 Members will recall that one of the fundamental philosophies behind the creation of Overview and Scrutiny is that the process should be Member-led and the first stage in achieving this is to develop a Work Programme that is:-
- Owned by all Members of the Scrutiny Committee;
  - Flexible to allow the Committee to react to urgent items;
  - Contain aspects of both Overview and Scrutiny.
- 5.2 Therefore, at each scheduled meeting of the Resources Scrutiny Committee, an up-to-date copy of the Work Programme will be provided for Members to consider or amend as appropriate.
- 5.3 The Work Programme includes provision for the Committee to scrutinise appropriate items delivered through the Council's Service Delivery Plan up to twelve months in advance, whilst maintaining the flexibility to respond to any issues that may arise.
- 5.4 Accordingly, attached at **APPENDIX** is the Resources Scrutiny Committee's current Work Programme to consider or amend as appropriate.

## 6 Implications

### 6.1 Financial

Nil

### 6.2 Legal

Nil

### 6.3 Human Resources

Nil

### 6.4 Risk Management

Nil

### 6.5 Equalities and Diversity

Nil

### 6.6 Health

Nil

**6.7 Climate Change**

Nil

**7 Appendices**

None

**8 Previous Consideration**

Nil

**9 Background Papers**

File available in Law and Administration.

**Contact Officer:** Ian Curran

**Telephone Number:** 01785 619220

**Ward Interest:** Nil

**Report Track:** Resources 5 March 2025 (Only)

**Key Decision:** N/A

## Appendix

# Agenda Items - Resources Scrutiny Committee

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### Future Items:

Procurement

Transformation - priority areas: system upgrades, finance changes

Synergy between CCDC and SBC (shared services)

IT Projects

Approval of business cases

Local Plan

Devolution - impact on Shared Services

S106 Unallocated Monies