

Regulatory & Appeals Committee Minutes

Date: 10 March 2014

Time: 7.00 - 7.35 pm

PRESENT: Councillor J A Savage (in the Chair)

Councillors D A Anson MBE, A D Collingwood, R Farmer, R Gaffney, M Hussain JP,
Mrs G A Jones, Ms P L Lee and D A C Shakespeare OBE.

24 APOLOGIES FOR ABSENCE

Apologies for absence were received from B Pearce and R Wilson.

25 MINUTES

RESOLVED : That the minutes of the Special meeting of the Regulatory and Appeals Committee held on 10 December 2013 be approved as a true record and signed by the Chairman.

26 DECLARATIONS OF INTEREST

No declarations of interest were received.

27 PROPOSED AMENDMENTS TO THE CONSTITUTION - THE PUBLIC SECTOR EQUALITY DUTY OF THE EQUALITIES ACT 2010

A report was submitted which stated that the Public Sector Equality Duty (PSED) Section 149 of the Equality Act 2010, had come into force in April 2011. This covered such issues as age, disability, race and sexual orientation. As such Local Authorities were required to demonstrate "Due Regard" to discrimination, advancing equality of opportunity and fostering good relations.

The report also stated and proposed that whilst the PSED requirements were incorporated within the current equality assessment forms, that the Constitution should be amended to better reflect the requirements of Members to pay due regard when applying the Public Sector Equality Duty.

Paragraph 7 of the report detailed the proposed insertion within the Constitution in order to achieve the desired aim of clearly demonstrating the way in which the council sought to meet the PSED, and thereby specifying the precise responsibilities of Members under the terms of the Act.

The Presenting Officer assured Members that the Council already had in place mechanisms for complying with the terms of the Act, but that the proposed amendments would better reflect Members requirements and their responsibilities.

In considering the report Members were in agreement that there was a need to provide a certain level of training in this regard. In addition it was requested that an information sheet be produced for all Members as to the consequences of the requirements of the Public Sector Equality Duty.

RECOMMENDED: That the amendment to the constitution summarised within paragraph 7 of the report be accepted to better reflect the requirement of Members to pay `due regard` when applying section 149 (the PSED) of the Equality Act 2010.

28 PROPOSED CONSTITUTION AMENDMENTS- SCHEME OF DELEGATION TO OFFICERS

A report was submitted which laid out proposed amendments specifically to the Scheme of Delegation for Officers within the Council's constitution. The report stated that a considerable amount of time had elapsed since the previous review had been undertaken to the Scheme of Delegation .

It was highlighted that due to the recent introduction of new pieces of legislation it was necessary to ensure that this was accurately updated and reflected within the scheme. In addition the on-going restructuring of the organisation had resulted in various changes to job titles and the transfer of functions between service areas which needed to be updated and correctly set out. No material changes had been made nor had there been any changes to the level of delegations or functionality.

The Presenting Officer explained that appendices A and B showed the existing scheme for executive and non- executive functions with tracked changes. Lines through the text were proposed deletions, whilst text underlined showed proposed insertions within the scheme. Appendices C and D contained the changes to be made to the Environment Service which had been subject to an extensive array of legislation. The advice of an independent barrister had been sought on this section to ensure its accuracy. The terms of reference for the Licensing and Regulatory and Appeals Committees were presented at appendices E and F, which included only very minor changes as a consequence of the change in the powers relating to the issue of licenses for sexual entertainment.

The report also stated that it was considered appropriate that an annual review of the Scheme be undertaken to allow it to be continuously monitored. These changes would subsequently be reported to this Committee in due course.

In considering the report, a Member expressed some concern over the need to ensure that the client side of business for Homes and Housing should be clearly allocated and specified within the Scheme of Delegation following transfer of functions to Red Kite. Members were informed that further consultation would take

place to ensure that such information was made more explicit within the Constitution.

The importance of maintaining links with the relevant Cabinet Member was also emphasised.

Another point of concern expressed was in relation to Section 5 (Appeals) of the terms of reference for the Regulatory and Appeals Committee. This related to the process for determination of applications under the control of the Planning Committee or the Service area. This referred particularly to the requirement to consult with the Chairman of the Council, during the process. It was agreed that this aspect would be reviewed and a report be brought back for consideration.

RECOMMENDED: That, subject to, (1)

- (a) the inclusion of wording relating to the responsibilities for Head of Housing in relation to Red Kite,
- (b) a report being presented to the next meeting, providing clarification within the appeals section of the terms of reference for the Regulatory and Appeals Committee regarding the process for determination of planning applications relating to the person to be consulted, and;
- (c) revisiting instances of maintaining links with the relevant Cabinet Member within the Scheme.
 - (i) the proposed amendments to the Scheme of Delegation to Officers contained within the Council's Constitution as set out in appendices A-D be approved;
 - (ii) the proposed amendments to the Scheme of Delegation to the Licensing and Regulatory & Appeals Committees contained within the Councils Constitution as set out in appendices E&F be approved;
 - (iii) an annual review of the Scheme of Delegation to Officers be undertaken and be reported to this Committee; and
 - (iv) the Democratic Services Manager be authorised to make the amendments set out above.
- (2) An item to consider the Planning Appeals Policy process be included as an item on the next agenda for the meeting.

29 ACTIONS TAKEN UNDER DELEGATED AUTHORITY

A file containing the actions taken under delegated authority since the last meeting was circulated at the meeting.

Chairman

The following officers were in attendance at the meeting:

Claire Hook	- Equalities Officer
Ian Hunt	- Democratic Services Manager
Kiran Khanna	- Principal Solicitor
Iram Malik	- Democratic Services Officer