



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION
COUNCIL

8 NOVEMBER 2018
27 NOVEMBER 2018

WARDS AFFECTED: ALL WARDS

AMENDMENT TO THE COUNCIL'S CONSTITUTION

Report of the Monitoring Officer

1. PURPOSE OF REPORT

- 1.1 To seek approval of a proposed change to the constitution.

2. RECOMMENDATION

- 2.1 The changes to the constitution as outlined in paragraph 3.5 be approved.

3. BACKGROUND TO THE REPORT

- 3.1 The current constitution states that approval for proceeding to the referendum stage and for making of Neighbourhood Development Plans is a matter reserved for Council and cannot be delegated to any other body or officer. Concern has arisen that this causes unnecessary delays in the process of going to referendum following independent examination.
- 3.2 The Sheepy Neighbourhood Development Plan is currently at an advanced stage but to follow the constituted approval process would cause it to run into the pre-election ("purdah") period and thereby further delay the referendum and making of the plan due to the meeting cycle and reporting processes for a decision by Council.
- 3.3 Neighbourhood Development Plans in other areas, namely Newbold Verdon, Desford and Burbage are also being developed and would be affected by the pre-election period should they have to go through two meeting cycles for approval by Council at each stage.
- 3.4 The government guidance relating to neighbourhood planning does not prevent decisions on going to a referendum and making of a plan being delegated as

appropriate. Delegation of such decisions would facilitate efficient and expedient decision making, thereby benefitting the communities to which the plan belongs.

3.5 It is therefore recommended that the constitution be amended as follows:

- (i) Part 2b, paragraph 1.5: removal of the second bullet point which reserves for Council “approval for proceeding to referendum stage and for making of Neighbourhood Development Plans”;
- (ii) Part 2f, paragraph 6.2 (Director of Environment & Planning) under the first section ‘Planning’: insert new bullet point “approval for proceeding to referendum stage and for making of Neighbourhood Development Plans in consultation with the relevant Executive member and ward member(s)”.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 This report is to be taken in open session.

5. FINANCIAL IMPLICATIONS (IB)

5.1 None.

6. LEGAL IMPLICATIONS (FA)

6.1 A change to the constitution requires a two-thirds majority of those present at Council.

7. CORPORATE PLAN IMPLICATIONS

7.1 This report supports all corporate aims by supporting communities.

8. CONSULTATION

8.1 Consultation with relevant Executive members has been undertaken. The Scrutiny Commission endorsed the report at its meeting on 8 November.

9. RISK IMPLICATIONS

9.1 It is the Council’s policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer’s opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None		

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 This report will have a positive impact on communities across the borough, enabling them to create neighbourhood plans in a timely manner.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: None

Contact Officer: Rebecca Owen, ext 5879

Executive Member: Councillors C Ladkin and M Surtees