

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE CONSTITUTIONAL REVIEW COMMITTEE

held in the Council Chamber

Wednesday 7 December 2011

commencing at 6.30p.m.

Present:

Councillor Smith (Chairman)

Councillors: Bannister, Everett, Galton,  
Knowles, Mrs. Robinson, Liquorish and Mrs. Wood.

Officers: A. Eastwood, B.Murgatroyd and V. Wenham

Apologies for absence was submitted from Cllr Dunton, Hall and King

338 APPOINTMENT OF VICE-CHAIRMAN FOR THE COUNCIL YEAR 2010/11

It was moved by Councillor Wood and seconded by Councillor Mrs. Robinson and

RESOLVED that Councillor Everett be appointed as Vice-Chairman for the Council year 2011/12.

339 MINUTES

RESOLVED: that the Minutes of the Meeting of the Constitutional Review Committee held on 6 July 2011 be approved and signed by the Chairman as a true record.

340 PLANNING DECISIONS FOR CERTIFICATES OF LAWFULNESS

The Committee reviewed the process for granting certificates of lawfulness. It was reported that currently the Council delegates to the Development Control Manager unqualified decisions on Certificates of Lawfulness. This approach was inconsistent with the majority of planning decisions whereby delegated authority is removed subject to criteria at C1.5, Part 3 Responsibility for Functions of the Constitution.

The Committee was provided with information on the legal position regarding lawful development certificates and Government guidance on how to deal with applications

**RECOMMENDED that the amendments to the Constitution in respect of certificates of lawfulness attached at Appendix A be referred to Council for its approval**

341 REVIEW OF THE COUNCIL'S CONSTITUTION

The Committee considered the delegation to officers in respect of section 106 agreements A review of the processes involved in the section 106 be carried out. The Committee considered it would be helpful to it to map the processes in a flow chart incorporating the roles that various Council departments had in the overall process and also the process of notification of ward members in the event that there is a challenge on a section 106 agreement

RESOLVED that

i) a review of the process of delegation to officers in respect of Section 106 agreements be undertaken

ii) a report be submitted to the next meeting of the Constitutional Review Committee on the above.

#### 342 IMPACT OF THE LOCALISM ACT ON THE COUNCIL'S CONSTITUTION

The Monitoring Officer confirmed that she was currently working on a document which set out the impact of the Localism Act on the Council's Constitution. The Committee requested that the document be submitted to the January meeting of Council and it should make clear which parts of the current Constitution were at variance with the new legislation and also which areas the Council was now free to modify. The Monitoring Officer confirmed she would undertake to do this.

The Meeting ended at 7.10p.m.