

Appendix 1

Constitution and Associated Documents – Proposed Changes

Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
1. Part 3.5 5. Regulation and Review Committee <u>Terms of Reference – Hackney Carriage and Private Hire Licensing</u> Page 105	1. To exercise the Authority's functions in relation to the licensing of Hackney Carriage vehicles, Hackney Carriage drivers, Private Hire vehicles, Private Hire operators and Private Hire Drivers under the Town Police Clauses Act 1847, the Local Government Act (Miscellaneous Provisions) Act 1976 and other relevant legislation. 2. To determine appeals against decisions of the Head of Environment, Housing and Leisure in relation to the grant, refusal and suspension of licences 3. To determine the appropriate disciplinary action(if any) in respect to licences referred to the Committee by the Head of Environment, Housing and	1. To exercise the Authority's functions in relation to the licensing of Hackney Carriage vehicles, Hackney Carriage drivers, Private Hire vehicles, Private Hire operators and Private Hire Drivers under the Town Police Clauses Act 1847, the Local Government Act (Miscellaneous Provisions) Act 1976 and other relevant legislation, <u>(save for the formulation and adoption of the Authority's Hackney Carriage and Private Hire Licensing Policy) and those matters not dealt with by the relevant Head of Service under their delegated powers, including in particular the following:-</u> 2. To determine appeals against decisions of the Head of Environment, Housing and Leisure in relation to the grant, refusal and suspension of licences

Part 3.5 5. Regulation and Review Committee <u>Terms of Reference – Sex Establishments</u> Page 108	Leisure 4. To determine any licensing applications or other matters concerning individual licensing applications referred to the Committee by the Head of Environment, Housing and Leisure. To deal with all matters relating to the licensing of sex establishments in connection with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in so far as those matters are not dealt with by the relevant Head of Service under their delegated powers, and in particular the following:- a) To determine applications for the grant, renewal or transfer of Sex Establishment Licences, if a relevant objection is made. b) To determine applications to vary sex establishment licences where an officer is minded to refuse. c) To determine, if a holder of licence wishes to appear before the Committee or to make written representations, the possible revocation of a sex establishment licence. d) To prescribe/amend standard conditions for sex establishment licences.	3. To determine the appropriate disciplinary action(if any) in respect to licences referred to the Committee by the Head of Environment, Housing and Leisure 4. To determine any licensing applications or other matters concerning individual licensing applications referred to the Committee by the Head of Environment, Housing and Leisure. To deal with all matters relating to the licensing of sex establishments in connection with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, <u>(save for the formulation and adoption of a policy regarding the licensing of sex establishments)</u>, in so far as those matters are not dealt with by the relevant Head of Service under their delegated powers, <u>including</u> in particular the following: a) To determine applications for the grant, renewal or transfer of sex establishment licences, if a relevant objection is made. b) To determine applications to vary sex establishment licences where an officer is minded to refuse. c) To determine, if a holder of licence wishes to appear before the Committee or to make written representations, the possible revocation of a sex establishment licence.
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	e) To agree any changes to the delegation scheme	d) To prescribe/amend standard conditions for sex establishment licences. e) To agree any changes to the delegation scheme <u>d) To determine which conditions set out in the policy referred to above, if any, should be attached to a sex establishment licence.</u>
	Reason for proposed change: To clarify which arm of the Authority is responsible for the adoption of non-statutory policies.	
	Implications of proposed change: • Finance and other resource implications: There will be no financial implications for the Authority if the proposed change is accepted. The way in which the Policy is drafted and consulted on will be the same as previous years. It will only now be the case that in future Cabinet will be adopting the Policy rather than Council through the Regulation and Review Committee. • Legal implications: The adoption of the Policy by Cabinet is appropriate. • Consultation/Engagement undertaken (internal and external): The Cabinet member responsible for Community Safety and Engagement and Senior Managers has taken place. • Human Rights implications: There are no human rights implications as a result of this change. Any persons seeking a licence or an	

	amendment thereof or a person facing revocation of a licence has the right to be heard before a decision is taken. Such considerations will be considered at the time of making an individual decision. • Equalities and Diversity implications: The proposed changes to the terms of reference of the Regulation and Review Committee do not have implications from an equalities and diversity issues. • Risk Management implications: There are no risk-management issues with the proposed change. • Crime and Disorder implications: There are no crime and disorder implications as a result of the proposed changes. • Environment and Sustainability implications: There are no implications for the environment or sustainability as a result of the proposed changes.
	Proposed by: John Barton Service Area: Law and Governance Contact Tel. No: 6435354
	Head of Service sign-off: (please insert a cross in the box) X

Appendix 2

Constitution and Associated Documents – Proposed Changes

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
2.	CAM New	N/A	To approve the terms of a Deed of Variation of an existing lease granted to or by the Authority.
		Reason for proposed change: The terms of leases often require variation after completion. By the creation of this delegation this will streamline this activity.	
	Implications of proposed change: • Finance and other resource implications: Variation of leases will be dealt with in accordance with the usual financial regulations. • Legal implications: Variation of leases will be dealt with in accordance with the normal legal requirements of the Authority.		

	• Consultation/Engagement undertaken (internal and external): Consultation regarding this amendment has been held with the Legal Manager Commercial and Development and the Head of Commissioning and Asset Management • Human Rights implications: There are no human rights implications associated with this change. • Equalities and Diversity implications: There are no equality and diversity implications associated with this change. • Risk Management implications: There are no risk management implications associated with this change. • Crime and Disorder implications: There are no crime and disorder implications associated with this change • Environment and Sustainability implications: There are no environment and sustainability implications associated with this change.
	Proposed by: Niall Cathie Service Area: Strategic Investment & Property, Commissioning & Asset Management Contact Tel. No:
	Head of Service sign-off: (please insert a cross in the box) x

Constitution and Associated Documents – Proposed Changes

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
3.	CI62 CI66	CI62 The granting of consent for alterations to property as required by covenants imposed on the disposal of land by the Authority or its predecessors in title. CI66 Approval of changes of user clauses contained in leases, tenancy agreements, licences and other agreements and any payments or receipts arising therefrom.	To approve actions or the giving of consent where required under the terms of an agreed lease, including but not limited to consent for alterations and changes to user clauses contained in leases, tenancy agreement, licences and other agreements and any payments or receipts arising therefrom.
		Reason for proposed change: There are a number of situations where landlords' consent may be required under a lease and these are not limited to changes to user clauses. This new delegation will capture all situations where a tenant needs to request Landlord consent under a letting arrangement. These two delegations are now combined.	
	Implications of proposed change: • Finance and other resource implications: The Authority may be in a position to charge a financial consideration for providing consent under Lease.		

	• Legal implications: Consents will be granted or sought in accordance with normal legal procedures. • Consultation/Engagement undertaken (internal and external): Consultation regarding this amendment has been held with the Legal Manager, Commercial and Development and the Head of Commissioning and Asset Management • Human Rights implications: There are no human rights implications associated with this proposed change to Cl62 of the Officer Delegation Scheme • Equalities and Diversity implications: There are no equality and diversity implications associated with this proposed change to Cl62 of the Officer Delegation Scheme • Risk Management implications: There are no risk management implications associated with this proposed change to Cl62 of the Officer Delegation Scheme • Crime and Disorder implications: There are no Crime and Disorder implications associated with this proposed change to Cl62 of the Officer Delegation Scheme • Environment and Sustainability implications: There are no environment and sustainability implications associated with this proposed change to Cl62 of the Officer Delegation Scheme
	Proposed by: Niall Cathie Service Area: Strategic Property & Investment, Commissioning & Asset Management Contact Tel. No:
	Head of Service sign-off: (please insert a cross in the box) x

Constitution and Associated Documents – Proposed Changes

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
4.	C167	Approval to assignments, sub-lettings and other forms of sharing of property.	Approval to <u>the terms of</u> assignments, sub-lettings and other forms of sharing of property.
		Reason for proposed change: To provide clarity that terms need to be agreed between the Authority and a tenant when providing consent for assignments, sub-lettings and other forms of sharing of property. Therefore it is those terms that need to be approved.	
	Implications of proposed change: • Finance and other resource implications: The Authority may be in a position to charge a financial consideration for providing consent under this delegation. • Legal implications: Normal legal procedures will be followed when dealing with assignments, sub-lettings and other forms of sharing property. • Consultation/Engagement undertaken (internal and external): Consultation regarding this amendment has been held with the Legal Manager, Commercial and Development and the Head of Commissioning and Asset Management		

	• Human Rights implications: There are no human rights implications associated with this proposed change to Cl67 of the Officer Delegation Scheme • Equalities and Diversity implications: There are no equality and diversity implications associated with this proposed change to Cl67 of the Officer Delegation Scheme • Risk Management implications: There are no risk management implications associated with this proposed change to Cl67 of the Officer Delegation Scheme • Crime and Disorder implications: There are no risk management implications associated with this proposed change to Cl627of the Officer Delegation Scheme • Environment and Sustainability implications: There are no environment and sustainability implications associated with this proposed change to Cl67 of the Officer Delegation Scheme
	Proposed by: Niall Cathie Service Area: Strategic Investment & Property, Commissioning & Asset Management Contact Tel. No:
	Head of Service sign-off: (please insert a cross in the box) x

Constitution and Associated Documents – Proposed Changes

Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
5.	CI71 Approval to terms of disposal of land for garden, garage, conservatory, porch or similar use as extensions to privately owned dwelling houses or for leasehold enfranchisements.	<u>Minor Land Sales (up to £10,000)- approval to declare surplus to the Authority's requirements and Approval</u> to agree the terms of disposal of land for garden, garage, conservatory, porch or similar use as extensions to privately owned dwelling houses or for leasehold enfranchisements.
	Reason for proposed change: This is to provide clarity that this delegation relates to minor land sales which have a maximum sale price of £10,000 which is considered de minimus for financial accounting purposes.	
	Implications of proposed change: • Finance and other resource implications: With regard to property disposals the Authority must obtain best consideration for its land as a pursuant to section 123 of the Local Government Act 1972. • Legal implications: Property disposals will be undertaken in compliance with the Authority's Financial Regulations and applicable legislation.	

	• Consultation/Engagement undertaken (internal and external): Consultation regarding this amendment has been held with the Legal Manager, Commercial and Development and the Head of Commissioning and Asset Management • Human Rights implications: There are no human rights implications associated with this proposed change to CI71 of the Officer Delegation Scheme • Equalities and Diversity implications: There are no equality and diversity implications associated with this proposed change to CI71 of the Officer Delegation Scheme • Risk Management implications: There are no risk management implications associated with this proposed change to CI71 of the Officer Delegation Scheme • Crime and Disorder implications: There are no crime and disorder implications associated with this proposed change to CI71 of the Officer Delegation Scheme • Environment and Sustainability implications: There are no environment and disorder implications associated with this proposed change to CI71 of the Officer Delegation Scheme
	Proposed by: Niall Cathie Service Area: Strategic Investment & Property, Commissioning & Asset Management Contact Tel. No:
	Head of Service sign-off: (please insert a cross in the box) x

Constitution and Associated Documents – Proposed Changes

6.	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
	CAM 72	The granting of consent to potential purchasers of Authority property to take entry for the purpose of undertaking investigations.	The granting of consent to potential purchasers of Authority property to take entry for the purpose of undertaking investigations. <u>(e.g. this may include site investigations prior to a sale)</u>
		Reason for proposed change: This change is to provide additional clarity on the type of investigations that may require consent	
	Implications of proposed change: • Finance and other resource implications: The Authority may be in a position to charge for providing consent under Lease. • Legal implications: There are no legal implications associated with this proposed change to CI72 of the Officer Delegation Scheme • Consultation/Engagement undertaken (internal and external): Consultation regarding this amendment has been held with the Legal Manager, Commercial and Development and the Head of Commissioning and Asset Management • Human Rights implications:		

	There are no human rights implications associated with this proposed change to CI72 of the Officer Delegation Scheme • Equalities and Diversity implications: There are no equality and diversity implications associated with this proposed change to CI72 of the Officer Delegation Scheme • Risk Management implications: There are no risk management implications associated with this proposed change to CI72 of the Officer Delegation Scheme • Crime and Disorder implications: There are no crime and disorder implications associated with this proposed change to CI72 of the Officer Delegation Scheme • Environment and Sustainability implications: There are no environment and sustainability implications associated with this proposed change to CI72 of the Officer Delegation Scheme
	Proposed by: Niall Cathie Service Area: Strategic Investment & Property, Commissioning & Asset Management Contact Tel. No:
	Head of Service sign-off: (please insert a cross in the box) x

Constitution and Associated Documents – Proposed Changes

Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
7. CAM 73	Approval to the letting of any property from the Authority at a rent of not less than the open market rental or capital value or to the Authority at a rent not greater than the open market rental or capital value and to agree appropriate rent free periods where applicable.	Approval to the letting of any property from the Authority at a rent of not less than the open market rental value or capital value or to the Authority at a rent not greater than the open market rental or capital value and to agree appropriate rent free periods where applicable. <u>or for a premium at no less than market rate and to agree rent free periods where applicable.</u> Approval to the letting of any property to the Authority at a rent not greater than the open market rental value <u>or for a premium at no more than market rate</u> and to agree appropriate rent free periods where applicable.
	Reason for proposed change: To provide added clarity by splitting the existing delegation into two delegations and to confirm that on occasion leases may be granted to or by the Authority subject to an initial premium payment rather than an annual rent.	

	Implications of proposed change: • Finance and other resource implications: There are no finance and resource implications associated with this proposed change to CI73 of the Officer Delegation Scheme • Legal implications: There are no legal implications associated with this proposed change to CI73 of the Officer Delegation Scheme • Consultation/Engagement undertaken (internal and external): Consultation regarding this amendment has been held with the Legal Manager, Commercial and Development and the Head of Commissioning and Asset Management • Human Rights implications: There are no human rights implications associated with this proposed change to CI73 of the Officer Delegation Scheme • Equalities and Diversity implications: There are no equality and diversity implications associated with this proposed change to CI73 of the Officer Delegation Scheme • Risk Management implications: There are no risk management implications associated with this proposed change to CI73 of the Officer Delegation Scheme • Crime and Disorder implications: There are no crime and disorder rights implications associated with this proposed change to CI73 of the Officer Delegation Scheme • Environment and Sustainability implications: There are no environment and sustainability implications associated with this proposed change to CI73 of the Officer Delegation Scheme
	Proposed by: Niall Cathie Service Area: Strategic Investment & Property, Commissioning & Asset Management Contact Tel. No:
	Head of Service sign-off: (please insert a cross in the box) x

Constitution and Associated Documents – Proposed Changes

Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
8. CAM 75	Approval to the purchase or the declaration as surplus to requirements and sale by the Authority of any land or property where the capital value is up to £250,000, in consultation with the Head of Finance, the Head of Law and Governance, the Elected Mayor, the Cabinet Member for Finance and Resources and other relevant Cabinet Portfolio Holders.	Approval to declare surplus to the Authority, <u>market and</u> sell any land or property where the capital value is up to £250,000, in consultation with the Head of Resources, the Head of Law and Governance, the Elected Mayor, the Cabinet Member for Finance and Resources and other relevant Cabinet Portfolio Holders. Approval to the purchase by the Authority of any land or property where the capital value is up to £250,000, in consultation with the Head of Resources, the Head of Law and Governance, the Elected Mayor, the Cabinet Member for Finance and Resources and other relevant Cabinet Portfolio Holders.
	Reason for proposed change: To provide added clarity by splitting the current delegation into two separate delegation to cover both the sale and purchase of property.	
	Implications of proposed change: Finance and other resource implications: With regard to property disposals the Authority must obtain best consideration for its land as a pursuant to section 123 of the Local Government Act 1972.	

	• Legal implications: There are no finance implications associated with this change to CAM 75 • Consultation/Engagement undertaken (internal and external): Consultation regarding this amendment has been held with the Legal Manager, Commercial and Development and the Head of Commissioning and Asset Management • Human Rights implications: There are no Human rights implications associated with this change to CAM 75 • Equalities and Diversity implications: There are no equality and diversity implications associated with this change to CAM 75 • Risk Management implications: There are no risk management implications associated with this change to CAM 75 • Crime and Disorder implications: There are no crime and disorder implications associated with this change to CAM 75 • Environment and Sustainability implications: There are no environment and sustainability implications associated with this change to CAM 75
	Proposed by: Niall Cathie Service Area: Strategic Investment & Property, Commissioning & Asset Management Contact Tel. No:
	Head of Service sign-off: (please insert a cross in the box) x

Constitution and Associated Documents – Proposed Changes

9.	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
	CAM 76	To market all land or property declared surplus to requirements, to accept the highest bid received and carry out all negotiations to complete sales of such land or property in accordance with the Authority's legal and financial regulations.	Delete
		Reason for proposed change: Delegation no longer required as the activity is now covered by the proposed amendments to CAM 75	
	Implications of proposed change: • Finance and other resource implications: There are no finance implications associated with this change to CAM 76 • Legal implications: There are no legal implications associated with this change to CAM 76 • Consultation/Engagement undertaken (internal and external):		

	Consultation regarding this amendment has been held with the Legal Manager, Commercial and Development and the Head of Commissioning and Asset Management • Human Rights implications: There are no human rights implications associated with this change to CAM 76 • Equalities and Diversity implications: There are no equality and diversity implications associated with this change to CAM 76 • Risk Management implications: There are no risk management implications associated with this change to CAM 76 • Crime and Disorder implications: There are no crime and disorder implications associated with this change to CAM 76 • Environment and Sustainability implications: There are no environment and sustainability implications associated with this change to CAM 76
	Proposed by: Niall Cathie Service Area: Strategic Investment & Property, Commissioning & Asset Management Contact Tel. No:
	Head of Service sign-off: (please insert a cross in the box) x

Constitution and Associated Documents – Proposed Changes

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
10.	CAM 77	Authority to declare as surplus to Authority requirements land not exceeding 0.5 of an acre subject to consultation with the Elected Mayor, relevant Cabinet Member(s), Ward Members and Head(s) of Service and carry out all negotiations to complete sales of such land in accordance with the Authority's legal and financial regulations.	Delete
		Reason for proposed change: Delegation no longer required as the activity is now covered by the proposed amendments to CAM 75	
	Implications of proposed change: • Finance and other resource implications: There are no finance implications associated with this change. • Legal implications: There are no legal implications associated with this change.		

	• Consultation/Engagement undertaken (internal and external): Consultation regarding this amendment has been held with the Legal Manager, Commercial and Development and the Head of Commissioning and Asset Management • Human Rights implications: There are no human rights implications associated with this change. • Equalities and Diversity implications: There are no equality and diversity implications associated with this change. • Risk Management implications: There are risk management implications associated with this change. • Crime and Disorder implications: There are no crime and disorder implications associated with this change. • Environment and Sustainability implications: There are no environment and sustainability implications associated with this change.
	Proposed by: Niall Cathie Service Area: Strategic Investment & Property, Commissioning & Asset Management Contact Tel. No:
	Head of Service sign-off: (please insert a cross in the box) x

Constitution and Associated Documents – Proposed Changes

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
11.	CAM New	N/A	In consultation with the relevant Cabinet Member, approval to the award of a community discount on rent paid by a community organisation occupying property belonging to the Authority and following the completion of a community audit under the Authority's Community Discount Policy.
		Reason for proposed change: The award of community discounts are not currently formally approved.	
	Implications of proposed change: Finance and other resource implications: Where an community rental discount is awarded the rent received by the Council from the letting will be reduced by 25%, 50% or 75%.. Legal implications: There are no legal implications as leases/licences will still continue to state the full rent payable. Consultation/Engagement undertaken (internal and external): Consultation regarding this amendment has been held with the Legal Manager, Commercial and Development and the Head of Commissioning and Asset Management		

	• Human Rights implications: There are no human rights implications associated with this change. • Equalities and Diversity implications: There are no equality and diversity implications associated with this change. • Risk Management implications: There are no risk management implications associated with this change. • Crime and Disorder implications: There are no crime and disorder implications associated with this change • Environment and Sustainability implications: There are no environment and sustainability implications associated with this change.
	Proposed by: Niall Cathie Service Area: Strategic Investment & Property, Commissioning & Asset Management Contact Tel. No:
	Head of Service sign-off: (please insert a cross in the box) X

Constitution and Associated Documents – Proposed Changes

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
12.	Part 3.7 Officer Delegation Scheme Paragraph EHL216 Page 60	To approve the making of temporary and permanent Traffic Regulation Orders and the issue of temporary and permanent Traffic Regulation Notices. Reason for proposed change: The existing text is not comprehensive as it omits provision for the Head of Environment, Housing and Leisure to approve the making of some types of orders, such as experimental orders. It is also ambiguous as to whether it provides authority for the issue of some types of notices for example in relation to the installation of pedestrian crossings and road humps or changes to car parking charges. The proposed text also complements the Elected Mayor's delegation to the Cabinet Member with responsibility for Environment and Transport to determine Traffic Regulation Orders where any objections are not withdrawn.	To approve the making of temporary and permanent traffic regulation orders (<u>where there are no objections</u>) and the issue of temporary and permanent Traffic Regulation Notices notices under the Road Traffic Regulation Act 1984.
	Implications of proposed change: • Finance and other resource implications: There are no financial implications. Traffic Regulation Orders will continue to be made and Notices will continue to be issued within existing resources. • Legal implications: The Road Traffic Regulation Act 1984 provides the Council with the power to make orders and issue notices to prohibit, restrict or regulate the use of roads. • Consultation/Engagement undertaken (internal and external): There has been no consultation.		

	• Human Rights implications: There are no human rights implications associated with the proposed change. • Equalities and Diversity implications: There are no equality and diversity implications associated with the proposed change. • Risk Management implications: The proposed change will mitigate the risk of a legal challenge to an order on the grounds that the Head of Environment, Housing and Leisure did not have the authority to make an order or issue a notice. • Crime and Disorder implications: There are no crime and disorder implications associated with the proposed change. • Environment and Sustainability implications: There are no environment or sustainability implications associated with the proposed change.
	Proposed by: Michael Robson Service Area: Law and Governance Contact Tel. No: 643 5359
	Head of Service sign-off: (please insert a cross in the box) ☒