

1. Amendment to the Constitution

Part 3 of the Constitution – Scheme of Delegation to Officers

The Council provides residential care to individual members of the public. This service is means tested, and often results in the individual being responsible for making payments towards the cost of the care received. This is paid in arrears, and in circumstances where the individuals concerned later becomes deceased, there is often substantial arrears incurred on the account, which is due and owing to the Council. This amount would normally be repaid to the Council following the normal probate process, however, there are times where either the family are reluctant to start the probate process or the individual dies intestate, resulting in the debt being outstanding for many years, or never being settled.

It is possible for the County Solicitor to apply to the High Court in such circumstances to be appointed as the Administrator of the Estate, which would enable the Council to recover the debt, and return any surplus to identifiable individuals or to the Crown.

Recommended:

That Part 3 of the Constitution under Council Functions be amended to show the additional delegation to the County Solicitor as follows:

“To apply to the High Court to be appointed as an Administrator where the Council is a creditor of the deceased and the probate process has not commenced in reasonable time or the creditor dies intestate and, if so appointed, to carry out such functions as necessary for the administration of the estate.”

2. Report of the Development and Regulation Committee

Since Full Council on 11 October 2011, two meetings of the Development and Regulation Committee have taken place; on 28 October and 25 November 2011.

Seven planning applications and one Village Green application have been considered by the Committee. All were resolved to be approved, subject to planning conditions. One planning enforcement item was also considered by the Committee during this period.