

To all Members of Stroud District Council

12 May 2015

You are hereby summoned to attend the Annual General Meeting of the **STROUD DISTRICT COUNCIL** at 7.00 pm in the Council Chamber, Ebley Mill on **Thursday, 21 May 2015.**



David Hagg
Chief Executive

AGENDA



Please Note: This meeting will be filmed for live or subsequent broadcast via the Council's internet site (www.stroud.gov.uk). By entering the Council Chamber you are consenting to being filmed. The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

- 1 **CHAIR OF COUNCIL**
To elect a Chair of Council for the Civic Year 2015/16.
- 2 **VICE-CHAIR OF COUNCIL**
To appoint a Vice-Chair of Council for the Civic Year 2015/16.
- 3 **APOLOGIES**
To receive apologies for absence.
- 4 **DECLARATIONS OF INTEREST**
To receive declarations of interest.
- 5 **MINUTES**
To confirm and sign as a correct record the Minutes of the Meeting held on 9 April 2015.
- 6 **ANNOUNCEMENTS**
To receive announcements from the Chair of Council and the Chief Executive.

7 THIRD REPORT OF THE COUNCIL'S CONSTITUTION REVIEW WORKING GROUP

To approve changes to the Constitution recommended by the Working Group as set out in the report.

8 APPOINTMENT OF COUNCILLORS TO COMMITTEES

To appoint the Membership and Chairs and Vice-Chairs of Committees

To appoint Councillors to the Committee positions set out in the report through nominations at the Council meeting.

9 CIVIC FUND EXPENDITURE 2014/15

To note the breakdown of expenditure totalling £4,765.91 for the Civic Fund during 2014/15.

COUNCIL MEETING**9 April 2015****7.00 pm – 7.55 pm****Council Chamber, Ebley Mill, Stroud****3****Minutes****Membership:**

Liz Ashton	P	Paul Hemming	P	Lesley Reeves	P
Martin Baxendale	A	Nick Hurst	P	Steve Robinson	P
Dorcas Binns	A	Julie Job	P	Mattie Ross	P
Tim Boxall	A	Haydn Jones	A	Roger Sanders	P
Chris Brine	P	John Jones	P	Emma Sims	P
Miranda Clifton	P	Stephen Lydon	P	Paul Smith	P
Nigel Cooper	P	John Marjoram	P	Nigel Studdert-Kennedy	P
June Cordwell	P	Russell Miles	P	Brian Tipper	P
Doina Cornell	P	Caroline Molloy	P	Geoff Wheeler	P
Gordon Craig	P	Stephen Moore	P	Martin Whiteside	P
Karon Cross	A	Dave Mossman	P	Rhiannon Wigzell	P
Paul Denney	P	Keith Pearson	P	Tim Williams	P
David Drew	P	Elizabeth Peters	P	Tom Williams *	P
Julie Douglass	P	Simon Pickering	P	Penny Wride	P
Jonathan Edmunds	P	Gary Powell	P	Debbie Young	A
Colin Fryer	P	Nigel Prenter	P	2 vacancies	
Chas Fellows	P	Mark Rees **	P		

** = Chair of Council

* = Vice Chair of Council P = Present A = Absent

Officers Present

Chief Executive

Legal Services Manager and

Monitoring Officer

HR Manager

Community and Facilities Manager

Interim Multi Service Contracts Manager

Manager

Democratic Services & Elections Officer

CL.050**APOLOGIES**

Apologies for absence were received from Councillors Martin Baxendale, Dorcas Binns, Tim Boxall, Karon Cross, Haydn Jones and Debbie Young.

CL.051**DECLARATIONS OF INTEREST**

None received.

CL.052 MINUTES

RESOLVED That the Minutes of the Meeting held on 26 February 2015 are confirmed and signed as a correct record.

CL.053 ANNOUNCEMENTSThe Chief Executive

He had notified Members by email on 17 April 2015 of the resignation of Councillor Ken Stephens, Chair of Development Control Committee. On behalf of the Council, he had thanked Cllr Stephens for his dedicated service over 20 years. A by election for the Eastington and Standish Ward would take place on 7 May 2015.

At the invitation of the Chair, members paid tribute to his longstanding commitment to his ward and his role as a fair and inclusive Chair of the Development Control Committee.

The very sad news that former Councillor Daniel Le Fleming had recently passed away was conveyed to Members. *The Council stood for a minute's silence as a mark of respect and in memory of former Councillor Daniel Le Fleming.*

In paying tribute, Members praised his work as Chair of Licensing Committee, on appeal panels and for community organisation such as the Citizen Advice Bureau.

The Chair of Council

Four current Members, Councillors David Drew, Caroline Molloy, Roger Sanders and Paul Smith were not seeking re-election and were thanked for their commitment and work they had undertaken. Best wishes were also conveyed to all Members seeking re-election.

CL.054 PUBLIC QUESTION TIME

There were none.

CL.055 MEETING TIMETABLE 2015/16

The Chair presented the proposed civic timetable of meetings for 2015/16.

RESOLVED That the Civic Timetable of meetings for 2015/16 is approved.

CL.056 APPOINTMENT OF A MEMBER AND A CHAIR FOR THE DEVELOPMENT CONTROL COMMITTEE (DCC)

The Leader proposed and it was seconded by Councillor John Marjoram that Councillor Tom Williams be appointed as a member of DCC following the resignation of Councillor Ken Stephens.

Councillor Liz Ashton nominated Councillor Stephen Moore as Chair of DCC, which was seconded by Councillor John Marjoram.

Councillor John Marjoram, Vice-Chair of DCC, confirmed that he was not prepared to take the Chair for the two remaining meetings of the civic year.

On being put to the vote the Motions were carried.

- RESOLVED** (a) To appoint Councillor Tom Williams to the Development Control Committee for the remainder of the current civic year.
 (b) To appoint Councillor Stephen Moore to the Chair of Development Control Committee for the remainder of the current civic year.

CL.048 RECOMMENDATIONS FROM COMMITTEES

(a) Senior Pay Policy Statement 2015/16

The Leader of the Council presented the above report considered by the Strategy and Resources Committee on 26 March 2015, which required the Council to approve and publish a policy statement on senior pay under the Localism Act 2011.

Councillor Martin Whiteside moved a Motion amending the report's title to Fair Pay and Senior Pay Policy. The Motion was seconded by the Leader.

It was agreed that in future the statement would be called "Fair Pay and Senior Pay Policy".

On being put to the vote the Motion amendment was carried unanimously.

RESOLVED That the statement is approved and in future would be entitled Fair Pay and Senior Pay Policy.

(b) Multi Service Contract – Vehicle and Waste Containers Purchase

The Leader outlined the above report considered by the Strategy and Resources Committee on 26 March 2015 and proposed an amendment to the second paragraph of the decision box. This would read b) That in consultation with the Chair of Strategy and Resources Committee, the Strategic Head The amendment was seconded by Councillor Chris Brine.

Councillors would continue to be updated on aspects of the contract via the Task and Finish Group comprised of Councillors Chris Brine, Paul Hemming, Keith Pearson and Simon Pickering. The budget of £5,770,000 had been based on a fleet of all new vehicles and it was envisaged that some good quality second hand vehicles would be purchased.

On being put to the vote the amended Motion was carried unanimously.

- RESOLVED** (a) That a budget of £5,770,000 is added to the Council's Capital Programme and that approval is given to financing this sum for the purchase of vehicles and waste containers to be used in the multi service contract.
 (b) That in consultation with the Chair of Strategy and Resources Committee, the Strategic Head (Finance and Business Services) be given delegated authority to amend

the 2015-16 capital programme and the 2015-16 Capital Financing Requirement should that be necessary.

(c) Review of Effectiveness of the Audit and Standards Committee

The Chair of Audit and Standards Committee, Councillor Nigel Studdert-Kennedy, presented the first annual report and outlined its content. He confirmed that at its meeting on 7 April 2015 the Audit and Standards Committee had agreed two amendments to Appendix C of their report. An error was also highlighted in paragraph 7, 6 meetings had been held.

Councillor Studdert-Kennedy proposed an amendment to the decision box that Committee would continue to monitor any concerns and would refer matters back to the relevant Committee for them to deliberate. The amendment was seconded by Councillor Tom Williams.

On being put to the vote the amended Motion was carried unanimously.

RESOLVED (a) That the Annual Report of the Audit and Standards Committee, as amended in Appendix C, be approved.
(b) That Committee would continue to monitor any concerns and would refer matters back to the relevant Committee for them to deliberate.

CL.049 MEMBERS' QUESTIONS

There were none.

The meeting closed at 7.55 pm.

Chair of Council

STROUD DISTRICT COUNCIL

AGENDA

COUNCIL AGM

ITEM NO

21 MAY 2015

7

Report Title	Third report of the Council's Constitution Review Working Group
Purpose of Report	To approve changes to the Constitution recommended by the Working Group as set out in the Decision box below.
Decision(s)	<p>On the recommendation of the Constitution Working Group, the Council RESOLVES:</p> <ol style="list-style-type: none">1. The Constitution include provision to address potential conflicts of interest when considering membership of quasi judicial bodies as outlined in paragraph 3.7 of the report.2. The Scheme of Delegations be amended as set out in Appendix A.3. (a) The Constitution section on "Meetings of the Council" include reference to the role of the committees in overseeing and scrutinising the outcomes of projects with reference to the effective delivery of the Council's Corporate Delivery Plan, including its Jobs and Growth Strategy (and / or such other key corporate policies / strategies as may be adopted from time to time); and (b) A committee guide (as outlined in Appendix B including an template work plan report for first meetings of committees in each civic year) be established to further promote the inclusion of scrutiny work in committee work plans, improve the efficiency of the committee business and committee work plans generally.4. General delegated authority be given to the Legal Services Manager to make appropriate amendments to the Constitution in view of the Council's resolutions and to address anomalies etc. in the Constitution which may arise as a result of the said amendments.5. The work programme for the Working Group for 2015/16 as set out in paragraph 7.1 be approved.

Consultation and Feedback	The recommendations contained within the report have been developed by a cross party working group. Members of the working group were tasked with consulting their groups and feeding the groups' views into the development of the recommendations.
Financial Implications and Risk Assessment	There are no changes to the number of meetings/committees and so there are no financial implications. The Legal Services Manager has confirmed that none of the changes to the constitution will have an adverse impact on officer time and as such there are no financial implications. Sandra Cowley, Strategic Head of Finance & Business Services Tel: 01453 754136 Email: sandra.cowley@stroud.gov.uk
Legal Implications	The Council may resolve to amend its Constitution as set out in the report. Karen Trickey, Legal Services Manager Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk
Report Author	Karen Trickey, Legal Services Manager on behalf of the Working Group
Options	Not to amend the Constitution as proposed.
Performance Management Follow Up	It is proposed that the Working Group keep the Constitution changes under review and report back to Council on any new recommendations in 2015/16.
Background Papers / Appendices	Appendix A - Recommended changes to the Scheme of Delegations Appendix B - Guide for Committees

Background

1. The new constitution arrangements to implement a committee system were adopted at the May 2013 AGM. At that time it was agreed to set up a cross party working group to review the constitution in light of the Council's experience of the new arrangements. Councillor Pearson was appointed chairman of the Group. Amendments were made to the constitution in view of the Group's work during its first year and the Council endorsed the view that the Group should continue to help identify further improvements. In accordance with Council's resolution at its June 2014 meeting, the Group was requested to:
 - A. Fine-tune the Constitution (including those items raised by members of the Council at the 10 April 2014 Council);
 - B. Undertake a review of the Council's Scheme of Delegations;
 - C. Consider the role of scrutiny within the committee system;

D. Consider whether there was a need for further clarity of committee functions / reporting lines for officers to minimise occasions when reports are considered by more than one committee.

2. This report sets out the findings and work of the Group in 2014/15 and makes consequential recommendations to Council.

3. Matters to Fine-tune (Recommendation 1 in the Decision Box)

3.1 At its meeting on 10 April 2014, Council requested various minor amendments to the Constitution or related practice. These are listed below and have been addressed as specified.

Issue

Action taken or otherwise required

Ward councillors should be copied into communications between and officers and parish councils as appropriate.

The Constitution was amended accordingly to reflect established practice – see Introduction to the Council’s Constitution section 2.2 (vi)

The separation of questions and debate should remain in DCC

This ‘rule’ whereby members ask questions before any motions are moved (which triggers the formal debate) was not included within the Constitution; and as such no amendment to the Constitution was required. It has therefore been left to the committee chair to manage the committee as he / she considers most appropriate in line with the Constitution whilst maintaining the ‘question then debate’ protocol when appropriate (e.g. for DCC).

Improve pre- committee information

A request was made to provide an additional briefing per committee cycle to include chairs, vice-chairs and a spokesperson from each political party to improve communications between members. The Group concluded that the proposed guide in Appendix B to this report which promotes proper preparation of work plans, will ensure members are better informed as to what committees are due to consider. In addition, it was considered that committee chairs / vice chairs should be encouraged to let other members know in advance when they regularly have their pre-committee briefings (e.g. at 2pm three days before each committee) so that if they have any queries regarding the agenda, they can raise them.

This approach will address the concerns raised, whilst ensuring that pre-committee briefings are limited to committee chairs and / or vice chairs and lead officers etc. and that they concentrate on procedural issues and do not become an informal committee meeting.

The Council's Petition scheme could be further amended to include mechanisms for all Members to be kept informed of petitions received, responses and any reasons for not referring a petition to Council or a Committee; and for the debate of a petition not to be time limited.

In view of the limited use of petitions by members of the public historically as well as during the last year, the current procedure regarding reference to Council or committee has not been tested, relevant petitions being well below the trigger for reference to committee or Council. In the case where petitions have been received the members of the committee have been advised.

- 3.2 In addition to the above matters, the Group was also asked to consider the appropriateness of the current rules which limit councillors from being members of regulatory committees (i.e. for licensing and development) due to their business interests. The Council's current Local Code of Conduct for Councillors Dealing with Planning Matters (which forms part of the Constitution, but is not legally required to be included) provides:

“No councillor whose employment or business involves dealing with planning matters within the district **should** be a member of the Development Control Committee.” [*emphasis added*]

- 3.3 On considering the current provision, a variety of concerns were raised (i.e. whether it is required by law so there is no scope to amend; a similar restriction doesn't apply to Licensing Panel membership; why are, for example planning agents, distinguished from those who are engaged in the construction industry)?
- 3.4 The Group noted that there is no express legal requirement that prohibits members from those committees, although it is well established good practice that in order to avoid potential grounds for challenge of decisions on grounds of bias, members who are likely to regularly have to declare interests under the Council's Code of Conduct, should not be members of the committee. It was recognised that this general rule applies to all committees, but given the quasi judicial nature of regulatory committees (such as DCC), such is more pronounced in these types of committees.
- 3.5 Enquiries were made of other authorities to ascertain their approach. Of the eight responses received from the various authorities, three included a specific prohibition and the others advised that they discouraged such membership for the reasons outlined above, but did not have an express prohibition.

3.6 The Group considered whether the Planning Code could be revised although bearing in mind there was no similar provision for the Licensing Panel, it was appreciated that there should be consistency in the Council's approach. The Group considered three main alternative options:

- (a) **Totally remove the restriction and rely upon the Members' Code of Conduct.** The latter prohibits members from making decisions on matters concerning their businesses (e.g. where they are advising on planning matters or otherwise making planning applications for development in the district) or other interests (not necessarily their business related interests) in which the decision would significantly advantage or disadvantage them more than other members in their ward. Whilst the benefit of having a member with such expertise is recognised, the Legal Services Manager does not recommend the restriction is totally removed. This is in part due to the potential adverse perception such involvement may create (which will not in itself, necessarily be caught by the Code); the difficulty for a member to always be clear about his position and to avoid Code of Conduct complaints by others not sharing that member's view; and / or the separate increased likelihood of bias being claimed against the Council as part of a legal challenge of the decision (which exists even though failure to declare an interest in itself under the Code will not in itself invalidate a decision).
- (b) **Impose a similar restriction on members of the Licensing Panel.** As with the DCC meeting membership restriction, such would only apply to those currently employed or working on licensing matters which are dealt with by the committee.
- (c) **For clarity, keep the provision but include a requirement for members to consider the appropriateness of their membership** before any appointments to committee are confirmed at the AGM. This places an obligation to consider the appropriateness of involvement upon the individual members and / or their Group Leaders. It requires them to make a reasonable assessment of whether their professional interests would preclude them from sitting on a committee. Advice should be sought from the Monitoring Officer in advance of any appointments. It is anticipated that a cautious (whilst practical) approach in the interests of the Council should generally be taken.

3.7 Taking account of all of the above, the Group recommends that for the purposes of consistency, the Constitution is amended to extend a similar restriction to membership of the Licensing Panel AND the current restriction includes an explanatory note to the effect outlined in (c). This will enable each case to be determined on its own merits (e.g. a member only engaged in dealing with planning matters outside the district will potentially be less affected than one providing advice on development within the area).

4. Review of Scheme of Delegations (Recommendation 2 in the Decision Box)

4.1 In considering the current scheme, it was noted that the delegations therein concern primarily routine day to day operational matters and in cases where

decisions might be less than routine the specified officers were required to consult relevant members.

- 4.2** The principal concerns regarding the current scheme, related to inconsistencies and other drafting issues which failed to reflect revisions to structure and legislation or were otherwise unduly verbose. Consequently time has been spent redrafting the delegations to reflect the organisational structure which has changed in recent year (and to accommodate other future consistent changes in staffing), poor drafting and to aid clarity and avoid duplication.
- 4.3** The Group considered that there should be greater transparency as to who is making the decisions. It was noted that since August 2014 there has in any event been a requirement to publish certain officer decisions. These are now recorded on the Council's website. Currently, some of the delegations which apply to Heads of Service, are being exercised by more junior officers (there being provision in the scheme to do so), however, there is not always a record of who is making the decision in practice and as such it is proposed that all authorised who sub-delegate others (e.g. managers in their team) should submit a written record of such to the Monitoring Officer. Furthermore, it is worth noting in particular that the Working Group considered that there should be greater clarity in the Development Control Delegations. Whilst improvements in how the delegations are drafted can be implemented in any event, for the avoidance of doubt, the changes proposed largely reflect changes in legislation and provide clarity in the conditions for referral of cases to DCC.
- 4.4** Whilst individually the majority of required changes to the scheme do not require Council approval as they do not materially alter the delegations, given the amount of redrafting required across the scheme, in addition to the small number of new individual delegations for which specific approval is required, the report includes reference to the general redrafting changes proposed as detailed in Appendix A. (Paragraph 2 in Appendix A lists these later more general changes throughout the scheme for the avoidance of doubt / clarity etc).

5. Role of Scrutiny (Recommendation 3 in the Decision Box)

- 5.1** Concerns were raised by some members following the first annual review of the introduction of a committee system of governance in 2013/14 regarding the lack of scrutiny within the committee system in comparison with that formally required in an Executive system. The Group has, as a consequence, considered the current decision making structure and what, if any, options exist to alleviate such views.
- 5.2** The Group concluded that some level of scrutiny (along with self regulation and review) is inevitable in the Council, as it is in local government generally, given its public nature and political mix. The form of scrutiny varies with decision making structures. Members who have raised concerns about the current level of scrutiny understandably are viewing it within the context of its form in an Executive system of governance; scrutiny in such a model is (and is legally required to be) more noticeable given the potential for concentration of decision making power in the hands of a relatively small group of members. In a committee system of governance, 'power' is shared amongst committees and unlike the situation where

decisions are made by individual portfolio holders, decisions are made in a public meeting. It was noted by the Group that 'scrutiny' is partnered with 'overview' in an Executive structure and as such when considering the need for any changes to scrutiny in the current committee system, overview should also be considered.

- 5.3 In brief, the Group considered what changes it could advocate to secure more effective review and scrutiny of committee decisions recognising that a wholesale review of the committee system of governance was not a viable option given the restrictions on changing governance systems within the five year period. These options included establishing a specific committee, or developing the existing committee structure further. The former option was not preferred as it would still be subject to political proportionality and in that regard the committee would simply be undertaking work which could be performed equally as well by the existing committees. It was concluded that existing committees (in particular but not exclusively, Environment and Community Services committees given the nature of their work) could be further encouraged to take on a more overview and scrutiny style approach to policy and decision making and in a way which sought to engage external bodies potentially. In the latter regard, it was recognised that the Tenants Forum (and more recently the District Planning Review Body) involved the public in its scrutiny and overview role (e.g. sought customers' views and used such to help the development of strategic policy). Furthermore, the provision within the existing system for two members of each committee to meet with relevant senior management on a quarterly basis was recognised as a more informal means to undertake a scrutiny role.
- 5.4 The Group did not wish to undermine the existing mechanisms for scrutiny, but considered that their value should be promoted. Having considered how best to do this, the Group proposes that the self scrutinising role of the committees be promoted in its terms of reference and a guide for committees be established which seeks to encourage committees to build scrutiny into their own works plans – see the key points set out in Appendix B to be addressed in such a guide.

6. Clarity of committee functions and reporting lines

- 6.1 The fourth area which the Group has considered relates to whether following rewording / review of the layout of the relevant part of the Constitution in 2014, further clarity is needed regarding the committee functions or reporting lines, so that the occasions, when reports are considered by more than one committee, are kept to a minimum.
- 6.2 It was noted that following last year's review, the wording of the Section on Meetings of the Council was amended and officers were reminded of the need to ensure committees did not receive reports unnecessarily, thereby avoid duplication and as such delay in the decision making process. The number of meetings of each committee was also reduced. This has had some impact on the number of reports which are considered by more than one committee (i.e. the number of reports which were referred to more than one committee fell from eight in 2013/14 to six in 2014/15). The reports which went to two committees in both periods were primarily budget monitoring reports or annual budget reports. The former came from Community Services and Environment Committees and sought a resolution of

Strategy and Resources (which is responsible for overseeing resources and finance across the whole of the Council, particularly regarding General Fund matters) to approve transfer of funds from reserves and carry forwards.

- 6.3 Incidentally, regarding workloads of committees, despite the attempt to discourage unnecessary reports to committee, the submission of a considerable number of officer reports 'for noting' where no decision was required of committee, has continued throughout the year. This problem is addressed within the Guide for Committees (Appendix B) by seeking to promote use of information sheets to update members on issues, following which committee members may require formal reports through committee, on specific elements which are of significant public interest etc. It was considered a reduction in reports for noting would assist in making some committees' workloads more manageable and enable them to concentrate on more strategic or high profile issues.
- 6.4 The Group also raised concern about the detailed nature of finance reports routinely presented to committees. It considered that such reports could be presented far more succinctly, in a manner which concentrated on headlines in a more user friendly and informative style. It was recognised that some committees by the very nature of their work might require more detail than others, but an automatic 'one size fit all approach' was not always appropriate and perhaps, in consultation with Strategic Head (Finance and Business) there could be a means by which committees / members who sought more detail could request such. Whilst the Group concluded that the number of reports which were referred to more than one committee was limited and had reduced in 2014/15 in comparison to 2013/14, a more thorough review of the management of the finances for each service committee to minimise the need for two committees to consider the same budget item would assist in streamlining the budget decision making process. The Group therefore recommends that it considers this and the form of more routine finance (particularly budget) reports, in 2015/16 with the Strategic Head.

7 Future Work of the Working Group (Recommendation 5 in the Decision Box)

- 7.1 It is proposed that the Working Group continues beyond the AGM to examine the following which are addressed in the report:
- Effectiveness of the changes implemented as a result of the recommendations of the Group;
 - Review of committee terms of reference / responsibility regarding committee budgets including approach to budget monitoring reports; and
 - Such other matters as Council may propose.

Recommended changes to the Scheme of Delegations

- 1. Additional delegations to be the relevant strategic head of service / service manager:**
 - a. Planning: To confirm a parish council's designation as a 'neighbourhood' and any associated issues, subject to there being no objections to a notification
 - b. Environment Health: to review and amend fees and charges for matters relevant to functions for which he is responsible, in line with inflation or other changes in charges to which the Council is subject.
 - c. Tenant Services:
 - i. To make decisions in connection with the general management and control of all property falling within the Housing Revenue Account subject to such being within approved budget and policy
 - ii. To procure contracts or additional works as appropriate to services for which fall within his area of responsibility subject to such being within approved budget and policy
 - iii. To determine whether the Council's right to reclaim discount on a RTB sale should take priority over a legal charge in favour of a third party.

- 2. Rewording / wholesale drafting issues to be addressed:**
 - a. The scheme must make it clear in all cases who is exercising the delegation and include provision for the delegation to be given to other officers undertaking the relevant function following for example reorganisations / redeployment etc or in view of absences to ensure the delegation can still be exercised. Similar provisions should be made for instances where members or other officers are required to be consulted.
 - b. Many of the delegations need to be redrafted because they currently and unnecessarily read as long sentences / paragraphs making them difficult to follow.
 - c. References to general scheme of delegations should clearly refer to decisions being in accordance or otherwise not inconsistent with approved budget and policy, thereby reserving matters concerning new policy and / or those outside approved budget to committee / Council.
 - d. Some delegations are drafted as statements, rather than granting delegated authority. These need to be redrafted to reflect intention (e.g. para 2.2.13 of current scheme currently states that the Strategic Head of Finance is responsible for providing help and guidance on information security conducting annual reviews in information risk and investigating breaches, but does actually give general delegated authority to do so).
 - e. Some delegations authorise officers to consider matters (despite no authority being needed for such) rather than "to consider and then make relevant decisions". For example, the Strategic Head of Corporate Services on para 6.1.4 has authority only to "consider changes in grading and other conditions for existing postholder(s)". Clearly this should be addressed to reflect the intended purpose of the delegation which is to make changes within Council / committee approved budget and policy.
 - f. Some delegations refer to decisions being made following authorisations. This wording contradicts the need for the delegation (e.g. para 7.1.10 should simply authorise the Legal Services Manager in consultation with the relevant head of planning services to issue Stop Notices (including temporary stop notices) as such action is needed urgently and before committee can authorise).

- g. As the delegation scheme has evolved over time, some delegations which deal with day to day matters within a relevant head of service's responsibility, are listed as one delegation and others separately (e.g. setting of fees and charges by Strategic Head (Customer Services) is covered in 10.1.1 and 11.1. These should be amalgamated for ease of identification and consistency.
- h. Under current constitution there is a provision in para 2.3.1 for the head of planning in consultation with Legal Services Manager, "to issue enforcement notices where enforcement action has been authorized in accordance with Appendix B". This should be deleted as it concerns authorisation of enforcement by committee. There is no need for a delegation to issue a notice authorised by committee, the two are obviously part of the same (i.e. enforcement action).
- i. Some delegations are unnecessarily prescriptive albeit intended to cover service areas generally. As a consequence, they run the risk of leaving out options for action (e.g. para 2.3.4 should be replaced with a single delegation to the relevant head of planning services "to take enforcement action for breach of planning control" and para 4.2.1 should not include service of only certain types of notices by the Head of Housing Management as these do not include all those which are relevant to breach of tenancy conditions). For the avoidance of doubt, where more controversial matters have been referred to committee, the committee resolution will of course apply.
- j. There is currently a confused approach to drafting in the Constitution regarding the planning services delegations in relation to those matters which are determined by committee. This has been redrafted for clarity as much as ensuring it actually reflects practice and makes it clear when matters are being referred to committee – see below:

Exceptions to the delegations to the head of planning services (included within the Scheme of Delegations)

(A) General

The delegation shall not apply to an application where the Chair of Development Control Committee (or in his absence the Vice Chair) having:

- (a) consulted the head of planning services; and
- (b) being satisfied that the application is a matter which should be considered by committee taking account of paragraphs 1 to 4 below

requires that the application first be referred to the Development Control Committee for consideration before determination.

(B) Requirements for reference of items to DCC

1. Requests for items to be placed before the Development Control Committee may only be made to the Chair of the Development Control Committee (or in his absence the Vice Chair) by:
 - (a) the Parish or Town Council in which the application site is located, or
 - (b) a Ward Councillor within whose ward the application site is located.
2. Applications which the head of planning services would otherwise consider it appropriate to determine pursuant to his delegation, should only be referred to committee where it has:

- (a) generated significant public interest which has given rise to contradictory views as to whether the application should be approved or refused; and
 - (b) such interest is based upon material planning considerations.
3. Any request for an application to be referred to committee must:
- (a) be made in writing (or by email);
 - (b) include a summary of the reasons why it is considered the matter should be referred to committee;
 - (c) be copied to the head of planning services;
 - (d) be received by the head of planning services before the consideration of the proposal by the panel of planning officers who make recommendations to the head to ensure that the application is not determined prior to receipt of such request. (Applications will not be placed before the panel until the expiry of the consultation period being at least 21 days after the relevant weekly list of applications).
4. An application may not be referred to committee pursuant to this Appendix if it concerns a matter of technical appraisal, fact or legal opinion; or is an application with fixed determination periods (e.g. notifications, approval of details reserved by conditions and minor amendments).

Delegation of Decision on Enforcement Action Operational Arrangements

1. This Appendix sets out operational arrangements relevant to the delegation of planning enforcement decisions in paragraph [to insert when finalised] of the Scheme of Delegations.
2. Use of the Weekly List
A list will be added to the back of the weekly list, setting out breaches of planning control that have been investigated. For each case the list will set out the action which officers intend to pursue, e.g. "expedient" or "not expedient" to take enforcement action.
3. Evaluation Period
No further action will be taken on any of the cases listed until the date specified at the bottom of the list, which will be 2 weeks after the publication of the list unless in the head of planning services in consultation with the Chair of Development Control Committee considers the action needs to be taken urgently and before the expiration of 2 weeks.
4. The withdrawal of an enforcement decision
Enforcement decisions will be withdrawn from the Scheme of Delegation and be referred to the Development Control Committee if:
 - (a) The request complies with the "Requirements for reference of items to DCC" paragraphs 2 to 4 so far as relevant to the case; and
 - (b) The head of planning services does not consider the delay will prejudice the success of the action.

5. Information reporting to committee

Where the Strategic Head (Development Services) believes that it is appropriate to take action against a breach of planning control, where that action could result in the demolition of a building of over 100 sq. metres floor space, or an extension to a dwelling house of over 100 sq. metres floor space and the case is not referred to Development Control Committee for consideration as to whether action should be taken, the case will be reported to the Development Control Committee for information.

6. Further action

Where the delegated decision is to take enforcement action, the head of planning services has delegated authority to take any further action to secure a cessation of the breach.

GUIDE FOR COMMITTEES

(not applicable to Development Control Committee)

1. At the commencement of each civic year, the 1st meeting of each committee should concentrate on setting its work plan for the current year.
2. Committees make decisions or otherwise make recommendations to Council on strategic matters (rather than day to day operational ones) affecting their terms of reference. They have a forward facing role (e.g. policy development) and a scrutiny / overview role (e.g. to review the delivery of projects or other decisions made in previous years to ascertain whether intended outcomes have been delivered which are consistent with the Council's Corporate Delivery Plan and importantly what, if any improvements, need to be made for the wider benefit of the district). Therefore in considering the content of its work plan for the coming year, each committee should identify what, if any, key decisions have been made in recent years, which might warrant a review to determine whether the intended outcomes have been delivered and how such might impact on the committee's forward thinking role.
3. It is important that work plans are given proper consideration. Whilst statutory requirements must be met, they should not be driven by standard officer reports (e.g. budget monitoring or other matters which do not require member decisions and are simply provided for information).
4. Each committee should allocate time to properly prepare for its first meeting which will focus on setting the committee's work plan for the year.
5. In advance of the first committee meeting, committee members should be encouraged to circulate amongst themselves and / or discuss with their groups, ideas for the committee's work plan. This will enable ideas to be shared and considered in advance of the committee meeting.
6. The chair of the committee (with assistance with the lead officers) should coordinate such informal discussions (involving Group Leaders especially where needed in the case of members not of their own party) with a view to ensuring that the committee is prepared to finalise a sustainable work plan for the year at its first meeting.
7. The civic timetable of meetings allows sufficient time between the AGM and the first meeting of the relevant committees to do this.
8. Work plans (and as such reports to committee) should not include reports for noting. If a committee decision is not required, information sheets or informal ad hoc meetings should be used (in consultation with the Chair as appropriate). A template for 'information sheets' is available from Democratic Services. There will be occasions where such information bulletins or meetings generate requests by the committee to publicly scrutinise the matter in hand. The inclusion of the work plan as an agenda item for each committee meeting, will enable such matters to be added to the committee's work programme.

9. A template work plan report for consideration at the first committee meeting of each civic year, is shown below:

STROUD DISTRICT COUNCIL

[insert name] COMMITTEE

[insert date]

**AGENDA
ITEM NO**

Report Title	WORK PROGRAMME FOR 2015/16
Purpose of Report	To establish the committee's work programme (see Appendix for 2015/16)
Decision(s)	To RESOLVE to the committee's work programme (subject to updating from time to time during the course of the year)
Consultation and Feedback	In line with the Guide for Committees (June 2015) the members of the committee have had the opportunity to consider items for inclusion informally in advance of the committee.
Report Author	[insert name of Corporate Team member responsible for committee, or chair of the committee]

Background – Terms of Reference

1. Please see the terms of reference of the committee as set out in the Constitution at [insert web link].
2. The committee should agree its work programme for the year. Although the programme needs to include matters which have to be considered as a matter of law, the content of the programme should be driven by members of the committee.
3. The committee may, for example, include fewer, but larger projects than previous years, which take account of the Council's Corporate Plan and other key strategies (e.g. Jobs and Growth) AND involve:
 - appointing Task and Finish Groups to investigate and then report back to the committee for consideration of their recommendations; and / or
 - a review of outcomes from decisions made in previous years to assess success of the projects and with the objective of making further improvements for the benefit of the district.
4. The items included in the report with an asterisk are matters which the lead officer for the committee has confirmed are statutorily required to consider. Other items which in previous years the committee has routinely considered, but are not statutory and do not require a committee decision, may be relayed to members by

information sheets if the committee would find this helpful. Such an approach will also help ensure that the committee is not unduly burdened with formal reports for noting only and may concentrate on more strategic projects and policy development. A list of any information sheets which are sent to members of the committee by officers will be included at the bottom of the committee's approved work plan.

APPENDIX TO WORKPLAN REPORT

2015/16 Work Programme for [insert name] Committee

Date of meeting	Matter to be considered (i.e. insert report / project title)	Notes (e.g. lead member and officer)

Information sheets sent to committee members

Date sent (& reference number)	Topic	Notes (e.g. responsible officer)

STROUD DISTRICT COUNCIL

AGENDA
ITEM NO

COUNCIL AGM

21 MAY 2015

8

Report Title	APPOINTMENT OF COUNCILLORS TO COMMITTEES
Purpose of Report	To appoint councillors to committees with effect from 21 May 2015.
Decision(s)	The Council RESOLVES to appoint councillors to the committees and positions set out in the report. (NB. The report will be updated following agenda publication and nominations at Council).
Consultation and Feedback	The proposed constitutional arrangements and committee make up have been developed through a cross party member working group.
Financial Implications and Risk Assessment	There are no financial implications arising out of the report. Sandra Cowley, Strategic Head of Finance and Business Services Tel: 01453 754136 Email: sandra.cowley@stroud.gov.uk
Legal Implications	The Council is required to appoint councillors to committees in accordance with the proportionality rules. Karen Trickey, Legal Services Manager & Monitoring Officer Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk
Report Author	Karen Trickey, Legal Services Manager & Monitoring Officer Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk
Options	Members may make alternative nominations to the places available on committees.
Performance Management Follow Up	It is proposed that the constitutional arrangements be kept under review.

APPOINTMENTS TO COMMITTEES

1. Political Composition

Stroud District Council consists of a number of Political Groupings. In accordance with the "Widdicombe Principles" regard must be had to the numerical strength of each group in allocating Committee seats. A group has to consist of at least 2 councillors. The various groups comprise the following Members.

Conservative Group Councillors (23)		
Dorcas Binns	Julie Job	Emma Sims
Tom Boxall	Haydn Jones	Haydn Sutton
Rowland Blackwell	John Jones	Brian Tipper
Nigel Cooper	Russell Miles	Rhiannon Wigzell
Gordon Craig	David Mossman	Tim Williams
Stephen Davies	Keith Pearson	Penny Wride
Chas Fellows	Elizabeth Peters	Debbie Young
Nick Hurst	Lesley Reeves	

Labour Group Councillors (18)		
Liz Ashton	Julie Douglass	Mark Rees
Chris Brine	Colin Fryer	Stephen Robinson
Miranda Clifton	Stephen Lydon	Mattie Ross
Doina Cornell	Stephen Moore	Chas Townley
Karon Cross	Gary Powell	Geoff Wheeler
Paul Denney	Nigel Prenter	Tom Williams

Liberal Democrat Group Councillors (3)		
June Cordwell	Paul Hemming	Ken Tucker

Green Group Councillors (6)		
Martin Baxendale	Jonathan Edmunds	Simon Pickering
Kevin Cranston	John Marjoram	Martin Whiteside

Note: In addition to the above, there is one member, namely, Councillor Nigel Studdert-Kennedy who wishes to be known as Conservative - No Group.

2. Political Proportionality

The “Widdicombe Rules” specify that any councillor who is not a member of a Political Group will be entitled to serve on at least one Committee.

3. Committees

(a) Those subject to political balance requirements

The numbers of members for each committee which are subject to the proportionality rules are set out below:

Committee	No. of Members
Community Services and Licensing	12
Environment	12
Housing	12
Strategy and Resources	13
Audit Committee	9
Development Control	12

(b) Those NOT subject to political balance requirements

Name of Group	No. of Members
Licensing Panel	At each panel, 3 trained members (who will be members of the Community Services and Licensing) – convened when required
Housing Reviews	At each review, 1 trained member (who will be a member of the Audit and Standards Committee) – convened when required
Stroud Council Housing Forum	Chair and Vice Chair of Housing plus one seat to each political group not represented through Chair or Vice-Chair appointments
Standards Panel	Chair of Council
Health, Community and Care Scrutiny Committee (Gloucestershire) <ul style="list-style-type: none">• Lead• Substitute	1 Member 1 Member
Gloucestershire Police & Crime Panel <ul style="list-style-type: none">• Lead• Substitute	1 Member 1 Member
Gloucestershire Economic Growth Overview and Scrutiny Committee <ul style="list-style-type: none">• Lead• Deputy	1 Member 1 Member (cannot be the Leader of the Council or Vice-Chair of the Strategy and Resources Committee)

4. Allocations to committees subject to political balance requirements

POLITICAL BALANCE FIGURES 2015/16

The following calculations (which will be completed following the 7 May 2015 elections) will be in compliance with the political proportionality requirements contained in the Local Government and Housing Act 1989 and appropriate statutory regulations.

Total No. of Councillors 51	Conservative (23 Cllrs)	Labour (18 Cllrs)	Liberal Democrat (3 Cllrs)	Green (6 Cllrs)	Conservative - No Group (1 Cllr)	<u>Total Seats Available</u>
Community Services and Licensing						12
Environment						12
Housing						12
Strategy and Resources						13
Audit and Standards						9
Development Control						12
<u>Total Seats</u>						70

Each political group has been asked to provide its allocations for the various committees/panels, together with nominations for chairperson etc. These details will be reported to the Annual General Meeting or circulated earlier if possible.

(a) Community Services and Licensing Committee seat allocation

Community Services and Licensing Committee (12)				
Conservative (x)	Labour (x)	Lib Dem (x)	Green (x)	No Group

	Community Services and Licensing Committee – Nominations for Chair and Vice Chair				
	Conservative	Labour	Lib Dem	Green	No Group
Ch					
V-Ch					

(b) Environment Committee seat allocation

Environment Committee (12)				
Conservative (x)	Labour (x)	Lib Dem (x)	Green (x)	No Group

	Environment Committee – Nominations for Chair and Vice Chair				
	Conservative	Labour	Lib Dem	Green	No Group
Ch					
V-Ch					

(c) Housing Committee seat allocation

Housing Committee (12)				
Conservative (x)	Labour (x)	Lib Dem (x)	Green (x)	No Group (x)

	Housing Committee – Nominations for Chair and Vice Chair				
	Conservative	Labour	Lib Dem	Green	No Group
Ch					
V-Ch					

(d) Strategy and Resources Committee seat allocation

Strategy and Resources Committee (13)				
Conservative (x)	Labour (x)	Lib Dem (x)	Green (x)	No Group (x)

Note: The Chairs of Community Services and Licensing, Environment and Housing as well as each political group leader have a place on Strategy and Resources with ‘top-up’ seats then remaining to be allocated.

	Strategy and Resources Committee – Nominations for Chair and Vice Chair				
	Conservative	Labour	Lib Dem	Green	No Group
Ch					
V-Ch					

(e) Audit and Standards Committee seat allocation

Audit and Standards Committee (9)				
Conservative (x)	Labour (x)	Lib Dem (x)	Green (x)	No Group (x)

	Audit and Standards Committee – Nominations for Chair and Vice Chair				
	Conservative	Labour	Lib Dem	Green	No Group
Ch					
V-Ch					

(f) Development Control Committee seat allocation

Development Control Committee (12)				
Conservative (x)	Labour (x)	Lib Dem (x)	Green (x)	No Group (x)

	Development Control Committee – Nominations for Chair and Vice Chair				
	Conservative	Labour	Lib Dem	Green	No Group
Ch					
V-Ch					

5. Allocations to Committees and other bodies NOT subject to political balance requirements

(g)

Stroud Council Housing Forum - (Chair and Vice Chair of Housing plus 1 seat to each political group not already represented)				
Conservative	Labour	Lib Dem	Green	No Group

(h)

Health, Community and Care Scrutiny Committee (Gloucestershire) (1) – Lead				
Conservative	Labour	Lib Dem	Green	No Group

Health, Community and Care Scrutiny Committee (Gloucestershire) (1) - Substitute				
Conservative	Labour	Lib Dem	Green	No Group

(i)

Gloucestershire Police & Crime Panel (1) – Lead				
Conservative	Labour	Lib Dem	Green	No Group
Gloucestershire Police & Crime Panel – (1) – Substitute				
Conservative	Labour	Lib Dem	Green	No Group

(j)

Gloucestershire Economic Growth Overview and Scrutiny Committee (1) – Lead				
Conservative	Labour	Lib Dem	Green	No Group
Gloucestershire Economic Growth Overview and Scrutiny Committee – (1) – Substitute				
Conservative	Labour	Lib Dem	Green	No Group

STROUD DISTRICT COUNCIL

AGENDA
ITEM NO

COUNCIL AGM

21 MAY 2015

9

Report Title	CIVIC FUND EXPENDITURE 2014/15
Purpose of Report	To receive details of Civic Fund expenditure for 2014/15.
Decision(s)	None required as the report is provided for Council information only.
Consultation and Feedback	In accordance with the decision of the Council on 26 April 2012, details of expenditure incurred under the Civic Fund are published on an annual basis and reported to full Council.
Financial Implications and Risk Assessment	<p>There are no direct financial implications arising from the report. The expenditure recorded relates to the financial year 2014/15 and therefore the alignment of the democratic year to financial year means that this contains the final payments of the previous Chair and Vice Chair for April and May 2014. All of the expenditure has been contained within the allocated budget.</p> <p>Ian Purcell, Senior Accounting Technician Tel: 01453 754141 Email: ian.purcell@stroud.gov.uk</p>
Legal Implications	<p>At the Council meeting of 26 April 2012, a Motion was resolved concerning Members' expenses, the latter part of which requested "that the Civic Fund be published annually and that it be publicly signed off by the Chairman." This report is produced to satisfy the Council's resolution in 2012.</p> <p>Karen Trickey, Legal Services Manager Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk</p>
Report Author	<p>Karen Trickey, Legal Services Manager Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk</p>
Options	N/A
Performance Management Follow Up	N/A

Report Detail

Item No	Description of Civic Fund Cost	Amount
1	Cost of previous Vice Chair of Council (Cllr Mark Rees) - payment in arrears of allowances from 2013/14 civic year	£114.68
2	Cost of previous Chair of Council (Cllr Dennis Andrewartha) - payment in arrears of allowances from 2013/14 civic year	£459.87
3	Official Photograph of previous Chairman of Council	£198.00
4	Stroud District Council 40 years long service awards x 3	£157.19
5	Catering - Armed Forces Day Stroud Subscription Rooms	£25.54
6	Catering - Remembrance Day Stroud Subscription Rooms	£28.33
7	Remembrance Service Booklets for Remembrance Parade – Stroud Sea Cadets	£85.64
8	Remembrance Sunday Wreaths x 5 – The Royal British Legion Poppy Appeal	£88.00
9	Christmas Card Printing – Chair of Council (Cllr Mark Rees)	£40.00
10	Mayor of Cheltenham Charity Event – Chair of Council (Cllr Mark Rees)	£50.00
11	High Sheriff of Gloucestershire Charity event – Chair of Council (Cllr Mark Rees)	£140.00
12	Gloucester City Council Civic Charity Event – Chair of Council (Cllr Mark Rees)	£70.00
13	Mileage – Chair of Council Civic Duties (Cllr Mark Rees)	£108.00
14	Forest of Dean District Council Charity Event – Vice Chair of Council (Cllr Tom Williams)	£60.00
15	Mayor of Cheltenham Charity Event – Vice Chair of Council (Cllr Tom Williams)	£22.50
16	Cost of Chair of Council (Cllr Mark Rees) – allowances 2014/15 civic year	£2,518.16
17	Annual Finance Support Service Charge	£600.00
18	Cost of Vice Chair of Council Cllr Tom Williams – allowances 2014/15 civic year	None claimed
	Total Expenditure April 2014 – March 2015	£4,765.91