

# Council Agenda



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Date: 5 December 2017  
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## Summons to attend a meeting of Council

to be held on Wednesday 13 December 2017 at 7.00 pm  
The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY

A handwritten signature in black ink, appearing to read 'M Reed'.

Margaret Reed  
Head of Legal and Democratic Services

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# Agenda

## Open to the public including the press

### COUNCIL'S VISION

#### 1. Apologies for absence

To record apologies for absence.

#### 2. Minutes

(Pages 8 - 20)

To adopt and sign as a correct record the Council minutes of the meetings held on 27 September and 11 October 2017 **attached**.

#### 3. Declarations of disclosable pecuniary interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

#### 4. Urgent business and chairman's announcements

To receive notification of any matters which the chairman determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chairman.

#### 5. Public participation

To receive any questions or statements from members of the public that have registered to speak.

#### 6. Petitions

At its meeting on 11 October 2017 Ms Naomi Richardson presented a petition regarding the toilets at Abbey Meadows. The [petition](#) signed by in excess of 500 people calls for "excellent, accessible loos at Abbey Meadows".

The council's Petition Scheme provides the following regarding petition debates at Council meetings:

When petitions containing more than 500 signatures are submitted, the petition organiser will be given three minutes to present the petition and the petition will then be discussed by councillors. Council will decide how to respond to the petition at this meeting.

In response to the petition, Council may decide

- not to take the action requested for reasons put forward in the debate;

- to refer the matter to Cabinet and decide whether to make recommendations to inform that decision.

Any Council recommendation will be reported to Cabinet.

## **7. Council tax base 2018/19**

Cabinet, at its meeting on 8 December 2017, will consider a report on the council tax base for 2018/19.

The report of the head of finance, which Cabinet will consider on 8 December, was circulated to all councillors with the Cabinet agenda.

The recommendations of Cabinet will be circulated to all councillors.

## **8. Community governance reviews**

(Pages 21 - 23)

At its meeting on 23 October 2017 the Community Governance and Electoral Issues Committee considered a report on a suggested timetable and process for future community governance reviews. The report of the head of legal and democratic services is **attached**.

In agreeing to undertake a review every four years with changes agreed for implementation at the next scheduled elections, the committee agreed the following:

“To recommend that Council rescinds its resolution agreed on 16 July 2014 that a significant development proposal that sits adjacent to or straddles a parish boundary should automatically trigger a community governance review, such a review to take place on the inclusion of a site in a document that forms part of the approved Local Plan or when planning permission has been granted for the development of the site”.

Council is invited to consider the committee’s recommendation.

## **9. Review of the council's constitution**

(Pages 24 - 30)

To consider the report of the head of legal and democratic services on proposed changes to the council’s constitution – **attached**.

## **10. Report of the leader of the council**

### Urgent cabinet decisions

In accordance with the scrutiny committee procedure rules, a Cabinet decision can be taken as a matter of urgency, if any delay by the call-in process would seriously prejudice the council’s or the public’s interest. Treating the decision as a matter of urgency must be agreed by the chairman of the Scrutiny Committee and must be reported to the next meeting of the council, together with the reasons for urgency.

To receive any details of urgent Cabinet decisions taken since the last ordinary meeting

of the council, (if any).

#### Delegation of cabinet functions

To receive details of any changes to the leader's scheme of delegation.

#### Matters affecting the authority arising from meetings of joint committees, partnerships and other meetings

To receive the report of the leader (if any).

### **11. Questions on notice**

To receive the following questions from councillors in accordance with Council procedure rule 33.

#### **A. Question from Councillor Emily Smith to Cabinet Member for environmental health, Councillor Elaine Ware**

In the 2015 Air Quality Management Action Plan the 11 district wide actions were:

- Creation of a 'low emission strategy' and 'low emission zone' feasibility study (target date 2017)
- Installation of electric vehicle recharging points
- Parking permit and pricing incentives for green vehicles (target date 2016)
- Feasibility study for freight transport consolidation centre (FCC) / freight quality partnership (target date 2016)
- Taxi licensing incentives for green vehicles (target date 2016)
- Improved use and enforcement of traffic regulation orders (target date 2016)
- Review of the council and contractors fleet
- Eco driver training (trial to be complete by 2016)
- Air quality planning guidance (target date 2015)
- Community involvement projects
- Introduce south facing slip roads to Lodge Hill interchange

Please can the Cabinet member confirm which of these actions are complete and provide an update of those which are not? What evidence do we have that each of these measures has been successful or otherwise?

#### **B. Councillor Helen Pighills to Cabinet Member for housing, Councillor Elaine Ware**

At the last Council meeting on 11 October, we were told that Old Abbey House in Abingdon would be transformed into council-owned social housing. Please can

you update us on progress? I am especially interested in the outcome of the feasibility study in terms of costs, whether the scheme will involve renovation or a complete rebuild, and which Vale officer is leading on this project.

**C. Councillor Catherine Webber to Cabinet Member for waste, Councillor Charlotte Dickson**

Food waste is recycled to form fertiliser and electricity, according to Vale's website. Until recently we were told to use the light green compostable bin liners, which are biodegradable, and which residents purchase at our own expense especially for our food recycling bins. Now we're told we can use ordinary plastic bags, such as the 5 pence bags from the supermarkets, or even bread bags. I thought plastic bags weren't biodegradable. So how are these non-biodegradable plastic bags used in recycling our food waste?

**D. Question from Councillor Emily Smith to Leader of the council, Councillor Matthew Barber**

Could the Leader of the council explain how elected members and members of the public will be involved in the development of the Joint Spatial Plan for Oxfordshire? Given that the County, City and district councils have different community involvement policies, which body will be responsible for coordinating public engagement to ensure consultation is meaningful and the process is transparent?

**E. Councillor Debby Hallett to Cabinet Member for the corporate services contracts, Councillor Robert Sharp**

Could the Cabinet member please clarify where in the five councils outsourcing negotiations and when scrutiny members were warned we would no longer have control of our own emails and be forced to use a Microsoft Outlook solution? Even if Council agreed to this, surely the timing could have come between administrations so a 'new council, new method' would apply? Why would Vale sign up to an email system where members cannot have our emails forwarded to us so we can manage our own workloads? If the answer includes something about risk, I'd like to hear about the evidence of any security breaches we've had altogether per year in the past 5 years, and how many of those are due to members using their own email servers to manage their emails? To precisely what problem is this the best solution?

**F. Question from Councillor Palmer to the Leader of the council, Councillor Matthew Barber**

Two years ago I asked Councillor Barber about how the Vale was going to respond to the Syrian Refugee Crisis. At the time as a council we were unsure how to respond but I believe in the interim there has been a positive response. Would the Leader give an update?

## **12. Motions on notice**

To consider the following motion submitted in accordance with Council procedure rule 38.

### **Proposed by Councillor Catherine Webber, seconded by Councillor Debby Hallett**

This council has statutory obligations to measure and monitor air quality in the district, to declare Air Quality Management Areas (AQMAs) where pollution is high, and to produce Air Quality Action Plans (AQAPs).

This council also has an obligation to facilitate and implement the actions recommended in AQAPs, wherever possible.

This Council recognises the importance of taking action to reduce air pollution. To that end, Council requests Cabinet to do two things:

- Include in its proposed budget for 2018/19 funding for all projects recommended in our 2015 AQAP that are not yet completed, and
- Ensure this council has a low emissions strategy similar to that of South Oxfordshire District Council, which will focus the council's efforts to reduce air pollution, particularly in Vale's AQMAs.

## **13. Exclusion of the public**

To consider whether to exclude members of the press and public from the meeting for the following items of business under Part 1 of Schedule 12A Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- (i) they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 Part 1 of Schedule 12A of the Act, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **14. Minutes**

To adopt and sign as a correct record the confidential Council minutes of the meeting held on 11 October 2017.

## **15. Staffing matters**

At its meeting on 6 December 2017 the Joint Staff Committee will consider the report of the interim head of corporate services on staffing matters.

The recommendations of the committee will be circulated to all councillors.

## **16. Corporate services contract**

At its meeting on 8 December 2017 Cabinet will consider the report of the head of devolution and government and head of legal and democratic services on the corporate services contract – report to follow.

The recommendations of Cabinet will be circulated to all councillors.

## **17. Management restructure**

At its meeting on 8 December 2017 Cabinet will consider the report of the acting chief executive on the management restructure – report to follow.

The recommendations of Cabinet will be circulated to all councillors.

# Minutes

of a meeting of the

## Council



held on Wednesday 27 September 2017 at 7.00 pm  
at the The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY

### Open to the public, including the press

#### Present:

Members: Councillors Reg Waite (Chairman), Monica Lovatt (Vice-Chairman), Alice Badcock, Mike Badcock, Eric Batts, Matthew Barber, Ed Blagrove, Yvonne Constance, Roger Cox, Margaret Crick, Charlotte Dickson, St John Dickson, Gervase Duffield, Robert Hall, Debby Hallett, Jenny Hannaby, Anthony Hayward, Dudley Hoddinott, Simon Howell, Vicky Jenkins, Bob Johnston, Sandy Lovatt, Ben Mabbett, Chris Palmer, Helen Pighills, Julia Reynolds, Judy Roberts, Janet Shelley, Emily Smith and Elaine Ware

Officers: Steven Corrigan, Aileen David, Adrian Duffield, Andrew Maxted, Margaret Reed and Mark Stone

Number of members of the public: 1

Prior to the start of the meeting Council held a minutes' silence in respect of former Councillor Janet Morgan who had recently died.

#### **Co.18 Apologies for absence**

Apologies for absence were submitted on behalf of councillors Finch, Kainth, McCarthy, Murray and Sharp.

#### **Co.19 Declarations of disclosable pecuniary interest**

None.

#### **Co.20 Urgent business and chairman's announcements**

The chairman provided housekeeping information.

He advised Council that he had agreed that as part of the Local Plan part 2 item, Councillor Barber, Leader of the council, would make a statement to Council on the government consultation on planning for the right homes in the right places which was relevant to that agenda item and provided background to Cabinet's recommendations. He would allow Councillor Hallett, as Leader of the opposition, the right to respond.

#### **Co.21 Public participation**

No members of the public had registered to address Council.



## **Co.22 Publication Version - Local Plan 2031 Part 2: Detailed Policies and Additional Sites**

Council considered Cabinet's recommendations, made at its meeting on 22 September 2017, on the publication version of Local Plan 2031 Part 2. An addendum was circulated prior to the meeting, and is available as an addendum to the Council agenda, setting out a number of amendments to the proposed Publication Version of the Local Plan 2031 Part 2.

A copy of the Leader of the council's statement on the Department for Communities and Local Government consultation document "Planning for the right homes in the right places" was before all councillors at the meeting and is available as an addendum to the Council agenda. The Chairman advised that in view of the importance of the matter and the unusual circumstances surrounding the statement, both Councillor Barber, as Leader of the council, and Councillor Hallett, as Leader of the Opposition, would have the opportunity to address council on the statement in addition to the usual speaking rules.

Councillor Cox, Cabinet member for planning, reported that the Part 1 Plan was adopted by Council in December 2016 and identified site allocations and policies to meet the objectively assessed development and infrastructure requirements for the Vale of White Horse. The Part 1 Plan includes a policy commitment that confirms how the council will address Oxford's unmet housing need through the preparation of the Local Plan 2031 Part 2. In accordance with Regulation 18, public consultation on the preferred options version of the Part 2 Plan, was undertaken in the spring 2017. The council had assessed the responses and carried out all technical studies to produce the latest version of the local plan which would, assuming Council's approval, be subject to the Regulation 19 consultation to test its soundness, before the plan was submitted to the Secretary of State by February 2018.

Councillors discussed the recent government proposals for consultation that recalculated the housing requirement using a nationwide formula. This suggested similar housing numbers required for the Vale but presented the opportunity to reduce Oxford's unmet housing need.

Councillor Hallett moved and Councillor Smith seconded an amendment to refer the issue back to Cabinet as follows:

"Council is committed to making sound and justified policy decisions for the people who live and work in the Vale, and part of that commitment is to create the best Local Plan 2031 that we can. Therefore, Council refers this item back to Cabinet for reconsideration in light of the Government's proposed changes to housing need figures and urges Cabinet to engage with members about what this change in the assessment methodology will mean to our housing numbers in different wards, both in terms of our own housing need, but also the unmet Oxford need".

Those councillors supporting the amendment expressed the view that the council should reassess the housing figures in light of the consultation to ensure the Local Plan 2 accurately reflected the council's current housing need and Oxford City's unmet need. By doing so the council could protect local communities from unnecessary development and the associated increase in traffic.

However, other councillors supported the view that as these were consultation proposals at this stage, and the final proposals would not be available until 2018, the council should proceed with its local plan. The council had an obligation to deliver the Local Plan Part 2 for examination. Any delay in the adoption of Local Plan Part 2 would put at risk both Local Plan Part 1 and the council's housing land supply and risk a return to speculative planning applications. If the government's final proposals reduced the Vale's housing requirement, which would be welcomed, the local plan housing numbers could be reviewed at the examination stage in 2018.

On being put to the vote the amendment was declared lost.

Whilst the majority of councillors supported the Local Plan Part 2 for consultation a number of councillors objected to the local plan strategic housing allocation of land at Kingston Bagpuize. The proposed allocation for 600 homes would have a significant adverse impact on the A420 and local roads. The site was not viable. Apart from a relief road to the A415 and a roundabout on the A420 to access the site, the development would not bring any further infrastructure improvements. The housing allocation was unnecessary, considering the recent government proposals to reduce housing numbers.

Other councillors expressed concern regarding the area of safeguarded land for a cycle route from Dalton Barracks to the proposed park and ride site at Lodge Hill. The council should not encourage the use of a park and ride so close to homes. More time is required for the county council to respond before the council proceeded to consultation.

In accordance with Council Procedure Rule 67, which provides for a recorded vote if three members request one, the Chairman called for a recorded vote on the motion which was declared carried with the voting as follows:

<b>For</b>	<b>Against</b>	<b>Abstentions</b>
Councillors	Councillors	Councillors
Alice Badcock	Margaret Crick	Anthony Hayward
Mike Badcock	Debby Hallett	Helen Pighills
Matthew Barber	Jenny Hannaby	
Eric Batts	Dudley Hoddinott	
Edward Blagrove	Bob Johnston	
Yvonne Constance	Judy Roberts	
Roger Cox	Emily Smith	
Charlotte Dickson		
St John Dickson		
Gervase Duffield		
Robert Hall		
Simon Howell		
Vicky Jenkins		
Monica Lovatt		
Sandy Lovatt		
Ben Mabbett		
Chris Palmer		
Julia Reynolds		
Janet Shelley		
Reg Waite		
Elaine Ware		

<b>For</b>	<b>Against</b>	<b>Abstentions</b>
Total: 21	Total: 7	Total: 2

**RESOLVED:**

1. to agree the changes to the Local Plan (following recommendations made by Scrutiny Committee) set out in the addendum to Council on 27 September 2017, that seek to:
  - (i) clarify spatial standards in chapter 3,
  - (ii) ensure that the core policies are correctly numbered,
  - (iii) ensure that sufficient land is safeguarded to enable a viable public transport and cycle link between the Dalton Barracks site and the proposed park and ride at Lodge Hill,
  - (iv) ensure that all registered parks and gardens, in particular the Elizabeth Diamond Jubilee site, are included in appendix I,
  - (v) ensure that appendices N and O are complete,
  - (vi) review the public transport site report to ensure consistency with the Local Plan;
  
2. to note and welcome the publication of the Department for Communities and Local Government's "Planning for the right homes in the right places: consultation proposals";
  
3. to note that the consultation deadline on the Department for Communities and Local Government's proposals is 9 November 2017 and that any pause in the adoption of Local Plan 2031 Part 2 would put at risk both Local Plan 2031 Part 1 and the council's housing land supply;
  
4. that the Publication Version - Local Plan 2031 Part 2: Detailed Policies and Additional Sites, associated documents (Sustainability Appraisal Report, Consultation Statement) and supporting technical evidence and topic papers be made available for a six-week publicity period under Regulations 19 and 22 of the Town and Country Planning (Local Planning) Regulations 2012;
  
5. following the six-week publicity period, to authorise the Head of Planning in consultation with Cabinet Member for Planning to submit the Publication Version Local Plan 2031 Part 2 and all associated documents, together with a Consultation Statement of the Publication responses to the Secretary of State for independent examination under regulation 20 of the Town and Country Planning (Local Planning) Regulations 2012, unless the outcome of the Department for Communities and Local Government's final proposals suggest that major changes are required to Local Plan 2031 Part 2 then such changes will be reconsidered by Cabinet before further recommendations are made to Council;
  
6. to authorise the head of planning in consultation with the Cabinet member for planning, to make minor changes and corrections to the Local Plan Part 2 and supporting documents, including minor editorial, typographical and grammatical errors, up to and following plan submission and during examination.

## **Co.23      Community Infrastructure Levy Charging Schedule**

Council considered Cabinet's recommendations, made at its meeting on 30 June 2017, on the community infrastructure levy. The proposed charging schedule was attached to the agenda for Council's consideration.

In supporting and welcoming Cabinet's recommendation a councillor expressed concern at the time taken for the Council to adopt a charging schedule.

**RESOLVED:** to adopt the Community Infrastructure Levy Charging Schedule, the Regulation 123 List and the Instalment Policy, with an implementation date of 1 November 2017.

The meeting closed at 8.25pm

# Minutes

of a meeting of the

## Council



held on Wednesday 11 October 2017 at 7.00 pm  
at the The Ridgeway, The Beacon, Portway, Wantage, OX12 9BY

### Open to the public, including the press

#### Present:

Members: Councillors Reg Waite (Chairman), Monica Lovatt (Vice-Chairman), Alice Badcock, Mike Badcock, Eric Batts, Matthew Barber, Yvonne Constance, Roger Cox, Margaret Crick, Charlotte Dickson, St John Dickson, Katie Finch, Robert Hall, Debby Hallett, Jenny Hannaby, Anthony Hayward, Simon Howell, Vicky Jenkins, Bob Johnston, Mohinder Kainth, Sandy Lovatt, Ben Mabbett, Chris McCarthy, Chris Palmer, Helen Pighills, Julia Reynolds, Judy Roberts, Robert Sharp, Janet Shelley, Emily Smith, Henry Spencer, Elaine Ware and Catherine Webber

Officers: Steven Corrigan, William Jacobs and Margaret Reed

Number of members of the public: 3

#### **Co.24 Apologies for absence**

Apologies for absence were submitted on behalf of Councillors Edward Blagrove, Stuart Davenport and Dudley Hoddinott.

#### **Co.25 Minutes**

**RESOLVED:** to approve the minutes of the annual meeting of Council held on 17 May 2017 and the special Council meeting held on 29 June 2017 as correct records and agree that the Chairman sign them as such.

#### **Co.26 Declarations of disclosable pecuniary interest**

None.

#### **Co.27 Urgent business and chairman's announcements**

The chairman provided housekeeping information.

#### **Co.28 Public participation**

1. Ms Naomi Richardson made a statement in support of a petition in respect of Abbey Meadows and particularly the perceived lack of toilet facilities suitable for disabled children which could restrict equality of access. She welcomed the

investment in Abbey Meadows and the children's playground. However, she stated that no consideration had been given to the needs of disabled children. She made the following points:

- Visits to the playground are time limited due to the lack of adequate toilet facilities.
- The toilets are not accessible for electric chairs or the larger, specialised chairs used by most disabled children.
- There is no room for any kind of carer assistance.
- There are too few toilets - a reduction from six toilets in traditional stalls and a disabled toilet to four individual cubicles is a massive downgrade.
- The proposed provision poses a threat to child safeguarding and safety.

The chairman thanked Ms Richardson for her statement and advised that officers would contact her about how the petition would be dealt with.

2. Honorary Alderman Joyce Hutchinson made a statement in respect of the Wantage and Grove Leisure Centre. She questioned the size of the proposed facility which will be just over half the size of the Abingdon Tennis and Leisure Centre for a similar population size. There would also be a disparity in the facilities provided with no badminton, sauna, squash or tennis provision and a lack of a crèche. She stated that there is an opportunity to provide a 50-metre swimming pool to make the Vale a centre for competitive swimming and address the current situation where swimmers need to practise out of the county.

She asked the following questions of Councillor Charlotte Dickson, the Cabinet member for leisure, who undertook to provide a written response.

- A. Is the size of the proposed leisure centre restricted by the available finance?
- B. What financial or other compensation is Vale Academy offering for the takeover of the existing leisure centre? and
- C. Why isn't the council applying for any grant for the new leisure centre when the White Horse Tennis and Leisure Centre in Abingdon attracted a grant.

## **Co.29 Temporary housing accommodation provision to 2022**

Council considered Cabinet's recommendation, made at its meeting on 4 August 2017, on temporary housing accommodation provision to 2022.

Cabinet had agreed an approach which required Council's approval to amend the capital programme allocation.

Council expressed its thanks to officers in the housing team for their work on this project. The Leader of the council agreed to write to the team on behalf of Council.

### **RESOLVED:**

1. delete the current capital budget provision of £920,000 for the estimated costs of purchasing four two-bedroom houses in Abingdon;
2. create a capital budget of £885,000 to convert the council's two hostels into self-contained units; and
3. note that by approving recommendation 2 above, this will result in a reduction in the revenue budget of £25,000 per annum.

### **Co.30 Treasury management outturn 2016/17**

Council considered Cabinet's recommendation, made at its meeting on 6 October 2017, on the outturn performance of the treasury management function for the financial year 2016/17.

The Joint Audit and Governance Committee and Cabinet had considered the head of finance's report and were satisfied that the treasury activities had been carried out in accordance with the treasury management strategy and policy.

**RESOLVED:** to

1. approve the head of finance's treasury management outturn report for 2016/17;
2. approve the actual 2016/17 prudential indicators within the head of finance's report.

### **Co.31 Vale of White Horse Scrutiny Committee Annual Report**

Councillor Hallett, Chairman of the Scrutiny Committee, presented her annual report and thanked democratic services officers for their support.

On behalf of Council the chairman thanked Councillor Hallett for her report.

### **Co.32 Report of the leader of the council**

The Leader of the council provided updates on the following:

- Didcot Garden Town had been put forward as the county's first choice bid to the Government's Housing Infrastructure Fund (HIF) as part of a package of investment to deliver the transport infrastructure necessary to allow for housing development. If successful, the bid would bring significant benefits to Vale residents and support the delivery of the Local Plan.
- Vale had submitted a bid for funding to accelerate the delivery of the Wantage Eastern Link Road.
- The intention for the council to move back to the previous site at Crowmarsh Gifford. The option of redeveloping Crowmarsh is the most cost-effective solution and Crowmarsh remains a suitable location for the council's headquarters, as it was before the fire. Council meetings would be held at venues within the Vale.
- The work of the Oxfordshire Growth Board including consideration of the Oxford to Cambridge Express Way and the Joint Spatial Plan. Reports on both issues will be submitted to the Scrutiny Committee.

### **Co.33 Questions on notice**

#### **1. Question from Councillor Catherine Webber to Councillor Roger Cox, Cabinet member for Planning.**

Please can the Cabinet member for planning tell us how many electrical car charging points have been in planning applications that were approved in the last two years? Of those, how many have been delivered? If there's a gap, please can you tell us what action Enforcement are taking to remedy it?

## **Answer**

Councillor Cox responded that the current adopted Local Plan and saved policies do not include for the provision of electric charging points. As there is no current policy basis for electric car charging points, this is not something the council currently monitors. However, the following sites have, through conditions, secured electric charging points on the market units:

- P16/V3224/FUL – Land off Sheepstead Road Marcham – 47 new houses in total – 31 market units.
- P16/V1705/FUL – Land at Manor Farm, Drayton – 57 dwellings – 38 market units.
- P15/V0612/FUL – Land West of Hyde Copse Marcham – 61 dwellings – 40 market units.
- P14/V1976/O – Land off Packhorse Lane, Marcham – 37 dwellings – 25 market units.
- P17/V0050/O – Land at North Abingdon – resolution to grant planning permission subject to the signing of the S106 (aiming to complete by end of the month) – 950 new houses in total. 618 market units.

As electric charging points are not something the council monitors no checks are undertaken as to whether these are being delivered on sites. Therefore, in relation to enforcement action, this is not something the enforcement team has investigated.

## **Supplementary question**

In response to a supplementary question asking why Vale of White Horse did not follow the example of South Oxfordshire, which requires the provision of electrical car charging points, Councillor Cox referred to the LPP2 Supplementary Papers issued for Council on Wednesday 27 September 2017 at page 8 which positively addressed this point.

## **2. Question from Councillor Debby Hallett to Councillor Charlotte Dickson, Cabinet member for Waste.**

Over the past several months, service from Biffa in my ward has been reliably poor. Repeated instances of missed service have brought in complaints from residents to me, to Biffa, to the Vale and to our local MP. In 2016, I was told the poor service in my ward was due to staff shortages. In 2017, I've been told it is due to old lorry stock. Please can the Cabinet member tell us how many complaints have been received so far this year (since 1 May 2017) in my ward of Botley and Sunningwell. What is the penalty to our contractor for such poor service? If we received such poor service from a private company, most of us would ask for our money back. How do residents apply for a refund for services paid for but not delivered?



## **Answer**

In response Councillor Dickson stated that the council had received six formal complaints relating to the waste service across the district one of which relates to Councillor Hallett's ward of Botley and Sunningwell.

The penalty to the contractor arises where there is a failure in service provision and Biffa fail to rectify the problem. In such circumstances the contract allows for a Service Failure Deduction. The cause of the disrupted service in recent months is due to significant mechanical faults with Biffa's collection fleet as they reach the end of their operational life. The council and Biffa acknowledge the frustration of residents caused by the delayed bin collections. Biffa has continued to provide a weekly collection service by hiring additional vehicles and undertaking collections at weekends. Therefore, the service has been delivered although on some occasions delayed. The payment of council tax is not a payment for services. Although money from the council tax funds services such as the refuse collection it is a statutory tax and legislation does not allow for refunds to be issued to customers who are dissatisfied with the level of service provided.

## **Supplementary question**

In response to a supplementary question Councillor Dickson undertook to check whether any of the continued missed collections were due to the breakdown of new vehicles.

### **3. Question from Councillor Catherine Webber to Councillor Elaine Ware, Cabinet member for Environmental Protection.**

It was widely reported in September 2015 that nearly 200 councils in England and Wales exceeded the NO<sub>2</sub> limits in 2013; Vale is sadly one of them. Approximately 50 Vale residents die prematurely each year due to air pollution. We've heard before that solutions are difficult and take cross-boundary cooperation. What actions are Vale taking and how is council actively working with other authorities to improve our air quality? What is Vale's current position with respect to any moral obligation to do all we can to reduce the impact of our poor air quality on the mortality rate of our residents?

## **Answer**

In response Councillor Ware stated that the council has an Air Quality Action Plan and that generally air quality in the district is very good but with areas where, usually due to traffic issues, air pollution can exceed the levels set by European and UK Regulations. In such circumstances, and where there is a risk to the public, the council can create an Air Quality Management Area. The council works closely with Oxfordshire County Council (OCC), Highways England, the Oxfordshire Clinical Commissioning Group, Thames Valley Police alongside other key stakeholders and the public to improve air quality. The council is also part of the Oxfordshire Air Quality Group, a multi agency body with Public Health England in attendance. Work to date has included a successful joint funding bid which led to the creation of a new joint air quality website for Oxfordshire. Air quality has been included in the joint strategic needs assessment and on the health and wellbeing board as well as being an addendum to OCC's local transport plan. The group continues to work together to share best practice and accelerate where possible improvements in air quality.

The council works within DEFRA and Central Government guidelines to minimise the impact of air pollution to Vale residents. The council has a statutory duty under the Environment Act 1995 to review and assess air quality in order to establish if air

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quality objectives are being, or are likely to be, exceeded. Where exceeded the council has a duty to produce an action plan with measures to help improve air pollution within these areas.

An Annual Status Report is produced and submitted to DEFRA for ratification. The Cabinet member referred to the 2017 report which she would pass to Councillor Webber after the meeting. Once ratified by DEFRA the report will be published on the council's website.

#### **Supplementary question**

In response to a supplementary question as to whether local residents had to ask for diffusion tubes or whether the council undertook checks Councillor Ware suggested that Councillor Webber reads the report and then discusses any issues with her.

#### **4. Question from Councillor Debby Hallett to Councillor Eric Batts, Cabinet member for Facilities.**

Does the Cabinet member for Facilities agree with me that the front door to our council offices building sets the tone of the districts' professionalism for people who come to call on us? Paper signs are blu-tacked up telling people the doors don't work and to close them behind you, which contradict the other signs saying 'automatic doors'. Council staff working nearby suffer by having to repeatedly get up and close the doors. This has been going on since we moved into the building. Is this Vale's responsibility or Vinci's? Please can the Cabinet member tell us when will these doors be properly functional?

#### **Answer**

Councillor Batts responded that officers are aware that the doors to the main reception are not fit for purpose. The doors met the original specification when Milton Park was being fitted out for the council's use. However, this specification has proven not to be suitable for the volume of footfall the council reception area receives. The motors open and close the doors relatively slowly and this has resulted, on occasion, in the outer and inner doors being pushed / pulled by visitors and officers which causes the motors to go into fault mode, effectively disengaging the motors and returning the doors to manual operation.

Officers have identified a solution to the issues and are working with the contractor who fitted the doors originally to replace the motors with spring return motors which will allow the doors to open and close more efficiently by using the push to open button DDA compliant radar button or by pushing or pulling the doors by hand. The new motors will not go into a fault mode when pushed or pulled manually, thus overcoming the existing issues raised in the question.

#### **Supplementary question**

In response to a supplementary question regarding the difficulty of addressing this issue Councillor Batts confirmed that on a scale of 1 to 10 it would score a 9.

#### **5. Question from Councillor Emily Smith to Councillor Mike Murray, Cabinet member for Property.**

Old Abbey House in Abingdon has been empty for some time, and concern is growing for the future of this historic building. Please can you tell council how long Old Abbey House has been vacant. In that time, how much has this council spent on maintenance, security and other costs? In that time, what offers of use has council received? What are your plans now for the sale or rent of the building?

## **Answer**

In the absence of Councillor Murray, Councillor Barber, Leader of the council, responded. He stated that the council had explored options for the use of Old Abbey House which has been empty for 15 months at a cost of £20,000 in security and maintenance costs. The council has published its intention to redevelop the site for affordable housing.

## **Supplementary question**

In response to a supplementary question regarding the suitability of the site for housing and feedback from local historical societies Councillor Barber stated that the building is not listed or listed as an asset of community value and that financial contributions from other housing developments including the nearby Old Gaol would be used to redevelop the former town council offices at Old Abbey House.

## **6. Question from Councillor Judy Roberts to Councillor Elaine Ware, Cabinet member for Grants.**

Children's centres in the Vale are trying to fund themselves now that their county council funding has been cut. At our February 2017 Vale budget council meeting, the Leader of the Council said, "the centres could access the existing grant schemes for funding". But in fact, recent applications by children's centres for Vale grants have been refused. Applicants were told they didn't qualify as our current grant system cannot provide funds for services previously provided by the County Council. At that February 2017 council meeting, a motion to form a grants pot for these children's centres was voted down after the Leader assured members that our current grants system could help. Now we learn that it doesn't help, and that in fact it denies the organisations the right to apply and be considered. Please can the Cabinet member explain what has happened, and how these children's services charities can apply for Vale grants? The deadline for applications is 15 October?

## **Answer**

Councillor Ware responded that the council had not received or refused any applications for funding of children's centres in the Vale.

The council's current policy cannot fund projects or services that usually fall to another public sector body to provide. However, if an organisation can show they are independently set up with their own constitution, premises, bank accounts and financial business case to show the service being provided is different to the statutory responsibility then it could be eligible for a single one off New Homes Bonus Grant.

For start-up costs the council requires a financial forecast showing how the service will be funded. The council can only fund a specific service once. Any revenue funding that the council provides would only be a short-term solution for children's centres. A number of grants have been offered to organisations who have met the criteria including Abingdon Bridge Youth Worker provision, Branches Youth Services and Faringdon Town Council.

In 2016 Oxfordshire County Council set up a transition fund of £1,000,000 to support community led solutions to deliver open access services for children and families. Details of the funds available and dates for future rounds of applications are available on the county council's website. The funding is one off pump priming and any proposals need to demonstrate sustainability and the ability to self-fund in the long

term. In addition, match funding is strongly encouraged and all applicants need to submit a robust business case showing how the project will self-fund in the long term.

### **Supplementary question**

In response to a supplementary question which asked whether there would be a change in the rules and an increase in available funds to allow groups to apply for funding Councillor Ware stated that there would not because funds were already available.

## **Co.34 Motions on notice**

**Motion proposed by Councillor Bob Johnston and seconded by Councillor Jenny Hannaby.**

“Council requests Cabinet as part of the 2018/19 budget-setting process to bring forward to Council a new scheme for councillors’ community grants, giving each member £4000 to spend as they see fit on not-for-profit community improvements in their ward”.

A number of councillors spoke in support of the motion. Such a scheme would allow ward councillors to support small projects and allow those projects to benefit from further sources of funding. The current grant scheme funds schemes over £1000 and therefore does not cover many of the smaller projects which would benefit from the proposed scheme.

However, the majority of councillors opposed the motion on the grounds that the current area committee arrangements worked well and allowed each ward councillor to be fully involved in the debate and consideration of grants submitted by voluntary groups. There would be additional costs associated with such a scheme including the need to appoint an additional officer to administer the scheme.

On being put to the vote the motion was declared lost.

## **Co.35 Exclusion of the public**

**RESOLVED:** to exclude members of the press and public from the meeting for the following item of business under Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- i. it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part 1 of Schedule 12A of the Act, and
- ii. the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **Co.36 Minutes**

**RESOLVED:** to approve the confidential minutes of the special Council meeting held on 29 June 2017 as a correct record and agree that the Chairman sign them as such.

The meeting closed at 8.20pm

# Community Governance and Electoral Issues Committee



Report of head of legal and democratic services

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To: Community Governance and Electoral Issues Committee

DATE: 23 October 2017



## Community Governance Reviews – suggested timetable and process

### Recommendations

1. To agree that the council undertakes a community governance review every four years with changes agreed for implementation at the next scheduled parish elections;
2. Recommends that Council rescinds its previous decision that a significant development proposal that sits adjacent to or straddles a parish boundary should automatically trigger a community governance review, such a review to take place on the inclusion of a site in a document that forms part of the approved Local Plan or when planning permission has been granted for the development of the site.

### Purpose of report

1. To invite the committee to consider a process for future community governance reviews and to recommend Council to rescind its resolution agreed at its meeting on 16 July 2014.

### Background

2. Local authorities (in the case of two-tier areas, district councils) have had powers to review parish arrangements for many years. Until 2007, any proposals for change resulting from such reviews had to go to the relevant secretary of state for approval. The Local Government and Public Involvement in Health Act 2007 (the 2007 Act) changed that and gave full powers to local authorities to implement proposals without reference to central government. The Act created the title of community governance reviews (CGR) to cover such activity.

3. There is no duty on the council to carry out a CGR unless it is petitioned to do so. Rather, it is a permissive power. The guidance offers the following pieces of advice on what might trigger a CGR:

*it can be helpful to undertake community governance reviews in circumstances such as where there have been changes in population, or in reaction to specific or local new issues*

*over time communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review*

*councils should exercise their discretion, but it would be good practice to consider conducting a review every 10-15 years*

4. Vale of White Horse District Council undertook a comprehensive review of the whole district in 2013/14 with final decisions agreed at the Council meeting in July 2014. In doing so Council deferred a number of reviews until after May 2015. This committee is currently undertaking these outstanding reviews and will agree final decisions at a meeting in November 2017 and at future meetings.
5. At its meeting in July 2014 Council agreed the following resolution:
  - that a significant development proposal that sits adjacent to or straddles a parish boundary should automatically trigger a community governance review, such a review to take place on the inclusion of a site in a document that forms part of the approved Local Plan or when planning permission has been granted for the development of the site

### **Current reviews/potential workload**

6. As set out above this committee is currently undertaking a number of reviews deferred by Council in July 2014. In undertaking the consultation on these reviews a number of parish councils have taken the opportunity to seek further changes which have complicated the consultation process, led to fraught relationships and suspicion between parish councils.
7. The motion agreed by Council in July 2014 provides that the council must undertake a review in certain circumstances. With the number of neighbourhood plans going forward for referendum and increased development there is currently insufficient resource to comply with this piecemeal and unplanned approach to reviews. Officers propose that the committee recommends that Council rescinds this resolution to provide for a more structured approach as set out in paragraph 10 of this report.
8. In addition, there is now an expectation from parish councils that a request for a review of governance arrangements will be taken forward although there is no requirement for the council to do so. A schedule for a review would address this.

## **Proposal for the arrangement of future reviews**

9. As set out in paragraph three there is no duty to undertake a community governance review unless the council is petitioned to do so. Guidance suggests councils should exercise their discretion but good practice is to consider conducting a review every 10-15 years. This council undertook a comprehensive review in 2013/14 but is still engaged in a number of reviews deferred by Council in 2014 and receives enquires for further reviews.
10. Officers propose that the council undertakes a district wide review every four years commencing after the scheduled parish council elections with any agreed changes implemented for the next scheduled elections. This would ensure the reviews are sufficiently resourced, avoid the inefficiencies of carrying out small scale reviews in a piecemeal fashion of two or three areas, allow the council to address circumstances such as where there have been changes in population or in response to specific or local issues at regular intervals (well within the LGBCE guidance of every 10-15 years), offer parish councils the opportunity to proactively consider areas for review, ensure parish councils are aware of proposals from neighbouring parishes at an early stage in the process and allow this council to look at the whole district as part of the review.
11. This approach would not preclude the council from undertaking a review if circumstances required – for example in response to a unitary council proposal, to ensure the provision of effective and convenient local government in circumstances where the current parish council arrangements have failed or to address a minor parish boundary anomaly.

## **Financial Implications**

12. There are no financial implications directly arising from this report.

## **Legal Implications**

13. The legal implications are set out in the body of this report.

## **Risks and Options**

14. None associated with this report.

## **Conclusion**

15. The council is currently undertaking in a number of community governance reviews, has a policy which triggers automatic reviews and encourages applications for small piecemeal reviews. Officers propose that the council agrees to undertake a district wide review every four years as a more structured and efficient approach which is well within the good practice guidance and will ensure community governance arrangements are kept under regular review. To facilitate this approach the committee is invited to recommend Council rescind the resolution agreed in July 2014.

## **Background papers**

**Report to Council on 16 July 2014**

# Council



Listening Learning Leading

Report of Head of Legal and Democratic Services and Monitoring  
Officer

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To: COUNCIL

DATE: 13 December 2017 (Vale) and 14 December 2017 (South)

## Changes to the council's constitution

### Recommendations

That Council:

1. agrees to amend the constitution in the Summary and Explanation section and the Cabinet Arrangements and Procedure Rules to update the key decision definition by removing reference to strategic directors;
2. agrees to amend the Summary and Explanation section and the Joint Audit and Governance, Planning and Scrutiny Committees' procedure rules to make explicit that councillors have the right to attend committee meetings where they are not a member, including where confidential or exempt information is being discussed;
3. agrees to amend paragraph 15 of the Planning Committee Procedure Rules so that "no meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, votes for the meeting to continue to complete the item under discussion";
4. authorises the Head of Legal and Democratic Services to update the scheme of delegation to officers in Schedule 1 to specifically reflect the Council's changes to officers' responsibilities under the revised management structure;
5. agrees to amend the scheme of delegation to the head of planning to:
  - (i) add the following text to paragraph 1.1(a)ii regarding ward councillors' right to call-in planning applications for consideration by Planning Committee: "This request must be in writing and deal with the planning



issues to ensure that the audit trail for making that decision is clear and unambiguous.”

- (ii) change paragraph 11.9 to read “To deal with the recovery of the Community Infrastructure Levy including stop notices, liability orders and other enforcement mechanisms under Regulation 89 to 94 and 111 of the Community Infrastructure Levy Regulations 2010.”
- (iii) add the following paragraph “To express the opinion of the council as local planning authority on whether a neighbourhood plan requires Strategic Environmental Assessment (Environmental Assessment of Plans and Programmes Regulations 2004) and/or an appropriate assessment (Conservation of Habitats and Species Regulations 2010 (as amended 2011)).”

6. agrees to amend paragraph 14.3 of the scheme of delegation to the interim head of waste, leisure and environmental health “To give authority to police community support officers to issue fixed penalty notices in respect of litter and dog fouling offences under the Clean Neighbourhoods and Environment Act 2005.”
7. agrees to amend the Joint Staff Committee Procedure Rules as set out in appendix 1 to this report;
8. agrees to amend the Officer Employment Procedure Rules as set out in appendix 2 to this report;
9. authorises the Head of Legal and Democratic Services to update the constitution to reflect the agreed amendments with effect from 1 January 2018; and
10. authorises the Head of Legal and Democratic Services to make any minor or consequential amendments to the constitutions for consistency and to reflect the council’s style guide.

## **Purpose of Report**

1. This report proposes revisions to the current constitution to ensure it is up-to-date and reflects the council’s changing environment.

## **Strategic Objectives**

2. The constitution underpins all the council’s decision-making and therefore supports all its strategic objectives.

## **Background**

3. A full constitution review was undertaken and a revised constitution agreed by Council at its meeting in December 2016 in pursuance of the requirements of Section 37 of the Local Government Act 2000 to keep the constitution under review. Council has since approved further adjustments in February and May 2017. The Joint Constitution Review Group has met twice during this autumn, on 14 September and 9 November 2017, to consider matters that have arisen since then. This report sets out

proposed changes, supported by the review group, and recommends that these changes take effect from 1 January 2018.

## **Key decisions**

4. A key decision is defined in the constitution as a decision of the Cabinet, individual Cabinet member or an officer acting under delegated powers which is likely to:
  - (a) incur expenditure, make savings or to receive income of more than £75,000;
  - (b) award a revenue or capital grant of over £25,000; or
  - (c) agree an action that, in the view of the chief executive, a strategic director or the relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.
5. The review group has noted that the proposed management structure no longer contains strategic director posts, therefore officers recommend that reference to “a strategic director” is removed.

## **Councillors’ attendance at meetings of which they are not a member**

6. The constitution allows councillors to attend meetings where they are not a committee member. For example, the Scrutiny Committee Procedure Rule 71 provides that any councillor may attend a meeting of the committee, and with the consent of the chairman, that councillor may speak, but not vote, on any item on the agenda for the meeting. However, the rule is silent on whether it applies to confidential or exempt items. In contrast, Cabinet Procedure Rule 26 explicitly provides that councillors who are not members of the Cabinet may attend Cabinet meetings, including where confidential or exempt information is being discussed.
7. The review group believes that all councillors should be entitled to attend Cabinet or committee meetings for public or confidential or exempt items. All councillors are under the duty to keep confidential or exempt information confidential before and after the meeting and any failure to do so would be likely to amount to a breach of the councillors’ code of conduct. Therefore, officers recommend that the constitution should be amended to explicitly allow councillors the right to attend Cabinet and committee meetings where they are not a member, including where confidential or exempt information is being discussed. This point should be included in the ‘Summary and explanation’ after paragraph 6, and in the Joint Audit and Governance, Planning and Scrutiny Committees’ procedure rules.

## **Planning Committee Procedure Rules – duration of meetings**

8. Following changes to the Planning Committee Procedure Rules introduced in 2016, the review group has reviewed how the committee meetings have operated. In particular, the review group has considered whether to re-visit the Planning Committee time restriction guillotine rule on the duration of meetings.
9. The constitution currently states that no Planning Committee meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, votes for the meeting to continue for a further period not exceeding 30 minutes. Any remaining business is deferred until the next meeting.

10. This rule has caused problems, putting pressure on committee members to complete items within the 30 minutes, risking the perception that items are not given due consideration. In addition, a recent Vale Planning Committee meeting had to close before being able to complete consideration of a planning application. The item was deferred to the next meeting.
11. The review group considers there is a justification to review this rule to ensure the completion of an item started before the two and a half hour cut off whilst maintaining the original aim of addressing lengthy meetings. The chairmen of the South and Vale Planning Committees were consulted on this point and attended the review group meeting.
12. Officers recommend that in relation to Planning Committee meetings the rule should be changed so that “no meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, votes for the meeting to continue to complete the item under discussion.”

### **Schedule 1 – scheme of delegation to officers, changes resulting from management restructure**

13. The Local Government Acts 1972 and 2000 provide that a local authority may arrange for the discharge of its functions by an executive/Cabinet, committees and sub-committees and by individual members and officers of the council, or by any other authority. Schedule 1 of the constitution contains a scheme of delegation to officers, which was approved by Council and the leaders. The scheme may be amended at any time.
14. The scheme of delegation sets out the general principles which shall be applied in exercising any delegated authority, general powers of the chief executive and heads of service, and then specific powers to each of those posts.
15. The scheme applies to the officers listed whether they are employed by this authority or, whether they are employed by another authority and have been placed at the disposal of this authority under an inter-authority agreement made under Section 113 of Local Government Act 1972.
16. In July 2017, the acting chief executive introduced a revised, interim management structure pending Council’s approval of a new structure in December 2017. Under existing delegated authority, the chief executive agreed an interim scheme of delegation to officers, re-aligning the existing delegations to reflect the heads of service posts under the interim structure. No further changes were made.
17. Council is asked to authorise the head of legal and democratic services to update the scheme of delegation to officers to reflect the Council’s decisions on a revised management structure.

### **Schedule 1 – scheme of delegation to officers: other changes suggested by the review group**

18. In a separate exercise from the restructuring changes, the review group has considered some possible revisions to the officers’ scheme of delegation.

19. The head of planning's delegations include paragraph 1.1(a)ii. This states that for South Oxfordshire, the head of planning may not determine applications under delegated authority where a ward councillor (or adjacent ward councillor whose parish has been consulted) calls-in a planning application for consideration by the Planning Committee within 28 days of the date of registration of the application (unless an extension to the consultation period has been granted). The head of planning's scheme of delegation for the Vale of White Horse goes further by stating that this call-in request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous. The review group recommends that the rule should be the same for both South Oxfordshire and Vale, so that in relation to a ward councillor's right to call-in a planning application:

"This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous".

Officers recommend that the head of planning's delegation is updated to reflect this.

20. Paragraph 11.9 of the head of planning's delegations reads "To deal with Community Infrastructure Levy stop notices under Regulation 89 to 94 of the Community Infrastructure Levy Regulation 2010." The review group recommends updating the wording to cover other enforcement mechanisms, such as liability orders, under the revised Community Infrastructure Levy regulations, changing the wording to read as follows (additions shown in **bold** text):

"11.9 To deal with the recovery of the Community Infrastructure Levy **including** stop notices, **liability orders and other enforcement mechanisms** under Regulation 89 to 94 and 111 of the Community Infrastructure Levy Regulations 2010."

21. The review group considered a suggestion to add a delegation to allow the head of planning to require a neighbourhood development plan to have a strategic environmental assessment. The review group supports the suggestion to add the following paragraph:

"To express the opinion of the council as local planning authority on whether a neighbourhood plan requires Strategic Environmental Assessment (Environmental Assessment of Plans and Programmes Regulations 2004) and/or an appropriate assessment (Conservation of Habitats and Species Regulations 2010 (as amended 2011))."

22. The scheme of delegation to the interim head of waste, leisure and environmental health includes paragraph 14.3 "To give authority to police community support officers to issue fixed penalty notices in respect of litter, dog fouling, graffiti and fly posting under the Clean Neighbourhoods and Environment Act 2005." Officers recommend Council to remove the reference to graffiti and fly posting as the Act does not allow police community support officers to issue fixed penalty notices in respect of graffiti and fly posting; which were included in error. The amended paragraph would read:

"14.3 To give authority to police community support officers to issue fixed penalty notices in respect of litter and dog fouling offences under the Clean Neighbourhoods and Environment Act 2005."

## **Joint Staff Committee Procedure Rules**

23. On this Council agenda is a separate report on the management restructure. To facilitate the appointment process, officers have reviewed the Joint Staff Committee Procedure Rules, consulting external solicitors Bevan Brittan.
24. The following additional roles are proposed for Joint Staff Committee:
  - to appoint heads of service
  - to approve the sign-off of any probationary period for the chief executive
  - to undertake development and performance reviews (appraisals) for the chief executive
  - to suspend the chief executive and head of paid service pending an investigation
  - to take disciplinary action against the chief executive, head of paid service, monitoring officer and chief finance officer in accordance with the procedure set out in the Officer Employment Procedure Rules
  - to make recommendations to the employing council on matters relating to the dismissal of the chief executive, head of paid service, monitoring officer and chief finance officer
25. The proposed changes to the committee's procedure rules will also allow Cabinet members to chair the committee and to allow the committee to agree to continue to sit beyond the usual two-and-a-half-hour limit, plus a 30 minute extension, so that it can continue to complete all its business where necessary, for example when the committee is sitting to complete a full day of selection interviews.
26. Both the review group and the Joint Scrutiny Committee considered and supported the proposed changes. The revised Joint Staff Committee Procedure Rules are set out in appendix one - to follow.

## **Officer Employment Procedure Rules**

27. Changes will also be needed to the Officer Employment Procedure Rules to reflect the agreed management restructure and to make clear that external advertisement is not required when the councils propose that appointments are made exclusively from among their existing officers.
28. Both the review group and the Joint Scrutiny Committee considered and supported the proposed changes. The revised Officer Employment Procedure Rules are set out in appendix two - to follow.

## **Financial Implications**

29. The democratic services budget for printing will meet the costs of producing copies of the amended constitutions.

## **Legal Implications**

30. Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review.

## **Conclusion**

31. This report sets out proposals to amend the constitution. Officers recommend Council approves the proposed changes for implementation on 1 January 2018, and authorises the Head of Legal and Democratic Services to make these changes and any further minor or consequential amendments. The Constitution Review Group supports the proposals set out in this report.

## **Background Papers**

None