



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

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2 May 2018

ORDINARY COUNCIL

A meeting of the Aylesbury Vale District Council will be held at **7.15 pm** or as soon as possible after the conclusion of the Annual Meeting on **Wednesday 16 May 2018** in **The Oculus, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: Bill Ashton; bashton@aylesburyvaledc.gov.uk;

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AGENDA

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
Members to declare any interests.
- 3. ANNOUNCEMENTS**
By the Chairman of the Council.
By the Leader/Cabinet Members.
- 4. PETITIONS/DEPUTATIONS (IF ANY)**
- 5. WRITTEN QUESTIONS**

Previous Members' Written Questions and Answers can be accessed at <http://democracy.aylesburyvaledc.gov.uk/ieListMeetings.aspx?Committeeld=441>

6. CENTRAL AREA GROWTH BOARD (Pages 3 - 14)

Councillor N Blake
Leader of the Council

To consider the attached report.

7. SCHEME OF OFFICER DELEGATIONS (Pages 15 - 44)

Councillor N Blake
Leader of the Council and Chairman of the General Purposes Committee

To consider that attached report

8. REPORT ON SPECIAL URGENCY PROVISIONS (Pages 45 - 46)

Councillor N Blake
Leader of the Council

To receive the attached report

9. SCRUTINY ANNUAL REPORT (Pages 47 - 58)

Chairman of the Council

To receive the attached report

10. STANDARDS COMMITTEE: ANNUAL REPORT (Pages 59 - 62)

Councillor Mordue
Chairman of the Standards Committee

To receive the attached report

11. QUESTION TIME

There will be an opportunity for Members to ask questions of individual Cabinet Members and Committee Chairmen.

Council
16 May 2018

CENTRAL AREA GROWTH BOARD

Councillor N Blake

Leader of the Council

1. Purpose

- 1.1. To seek Council's approval to participation in a Central Area Growth Board responsible for strategic leadership as part of the Oxford – MK – Cambridge Growth Corridor.

2. Recommendations

- 2.1 That Council approves:-

- (a) The arrangements for the new Central Area Growth Board Joint Committee as set out in the attached report.
- (b) The new governance structure and full membership of the of the Central Area Growth Board and the adoption of the Terms of Reference also forming part of the attached report.
- (c) A financial commitment of £5k per annum of on-going revenue to support the work of the Growth Board.
- (d) The adoption of the proposals for the Joint Committee and authorise the Chief Executive, after consultation with the Leader of the Council, to make any amendments to the Terms of reference that might be necessary.

3. Supporting Information

- 3.1 At its meeting on 10 April, 2018, Cabinet considered the report attached as an Appendix to this report concerning the formation of a Central Area Growth Board which would be responsible for strategic leadership as part of the Oxford-MK-Cambridge Growth Corridor. The report sets out in detail the advantages of being a member of the Growth Board. By becoming a member of the Growth Board, AVDC will be an active participant in contributing to the agenda on strategic planning, economic development and infrastructure planning at the sub regional level.
- 3.2 Cabinet was strongly of the view that that the Council should become a member of the Growth Board which is, for the purposes of the relevant legislation a Joint Committee – hence this report to Council.

4. Options Considered/Reasons for Recommendations

- 4.1 These are set out in the attached report.

4. Resource Implications

An annual commitment to a financial contribution of £5k per annum.

Contact Officer: Clare Britton (01296) 585471.

Background documents: These are listed in the attached report.

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CENTRAL AREA GROWTH BOARD
Councillor N Blake
Leader of the Council

1 Purpose

- 1.1 This report sets out the approach for the new Central Area Growth Board (CAGB) which is proposed as the new Joint Committee responsible for strategic leadership as part of the Cambridge-Milton Keynes-Oxford Growth Corridor. It covers the governance structure, terms of reference and function. Cabinet endorsement is sought for the proposed approach and governance proposals.

2 Recommendations

- | | |
|-----|--|
| 2.1 | Cabinet is asked to approve the arrangements for the new Central area growth board joint committee as set out in this report. |
| 2.2 | Cabinet is asked to agree the new Governance Structure and becomes a full member of the Central Area Growth Board, adopting the Terms of Reference (Annex A). |
| 2.3 | To commit to associated contribution of £5k per annum of ongoing revenue to support the work of the Growth Board.

Cabinet is also asked to recommend to Council that it adopts the proposals for the joint committee and delegate any amendments to the terms of reference to the Chief Executive, in consultation with the Leader. |

3 Supporting information

- 3.1 The National Infrastructure Commission's (NIC) Interim report on the Cambridge-MK-Oxford growth corridor identified that one factor holding the area back from achieving its full potential as the UK's 'Silicon Valley' is the lack of joined-up planning of housing, jobs and infrastructure across traditional local authority boundaries.
- 3.2 "Current governance mechanisms are not sufficient to deliver the step-change in strategic leadership and collaboration needed... and will require a fundamental shift in the scale at which local authorities collaborate on planning and infrastructure."
- 3.3 In its final report on the Cambridge – Milton Keynes - Oxford corridor, 'Partnering for Prosperity: a new deal for the Cambridge – Milton Keynes - Oxford arc', the NIC encouraged authorities within the central section of the arc to "strengthen structures for collaborative governance and collective decision making" and referenced the work ongoing in the central area to establish a growth board.
- 3.4 The final report contained several recommendations within it. AVDC has prepared a written response to each of these recommendations and these have been attached as an appendix to the Cabinet report regarding the Ox-Camb Expressway Corridor options. Cabinet have been asked to support these written responses.
- 3.5 Government, in its initial vision for the Corridor published at Autumn Budget, stated that "it will be necessary for authorities to work together much more closely going forwards."

- 3.6 Within the Cambridge – Milton Keynes - Oxford corridor, formalised stronger regional working arrangements have been established at either ‘end’ of the corridor through the Cambridgeshire and Peterborough Combined Authority and the Oxfordshire Growth Board. Establishing a Growth Board for the ‘Central Area’ allows Aylesbury Vale District Council and its partner authorities to meet the challenge of councils working together closely in the future.
- 3.7 Aylesbury Vale District Council has been actively engaging since last summer on closer regional working with the 17 local authorities within the South East Midlands and Buckinghamshire Thames Valley Local Enterprise Partnerships (LEP) footprints that are locally defined as being within the Cambridge - Milton Keynes - Oxford corridor. All of the authorities across this geography have agreed to form the Central Area Growth Board (CAGB), with the exception of Buckinghamshire County Council. Partners have agreed in principle to formally establish a Growth Board to coordinate cross-boundary working within the central area.
- 3.8 The CAGB is to be constituted as a Joint Committee under Sections 101(5) and 102 of the Local Government Act 1972 and Section 9EB of the Local Government Act 2000 and pursuant (where applicable) to the Local Authorities (Arrangement for the Discharge of Functions)(England) Regulations 2012.
- 3.9 The establishment of a Growth Board in the centre of the Cambridge-Milton Keynes- Oxford corridor also allows the central area to be an active participant in the cross corridor working arrangements currently being established.
- 3.10 The CAGB will provide the strategic leadership to enable the area to plan for, and realise an economic transformation across the central area and the Growth Board will be a single coordinating voice for the region with central government. Its key function is to focus on growth-related matters with four key outcomes:
- Accelerate the delivery of planned growth across the area, where this is enabled by investment in infrastructure and services
 - Provide the strategic leadership that will enable existing mechanisms and processes to plan for, and realise an economic transformation across the area;
 - Secure long-term benefits and opportunities for local communities; and
 - Attract increased private sector investment
- 3.11 It will also seek to:
- Establish Common Planning Areas to produce an integrated and holistic approach to strategic planning for employment, housing and infrastructure that builds on Local Plans
 - Accelerate and increase the delivery of planned growth across the area, where this is enabled by investment in infrastructure and services
 - Work together to influence the route planning options in order to realise the opportunity for the area including an “Expressway” (road and rail) and other associated linkages that may be delivered

- Approve and monitor the implementation of a Central Area programmes of work including those flowing from any Place Deals, Strategic Economic Plans and transport strategies and other relevant infrastructure programmes agreed
 - Bid for and secure investment, including from Government and external sources of resources to support the above purposes and
 - Contribute to and be an active member of the Cambridge-Milton Keynes-Oxford Corridor cross corridor governance arrangements
- 3.12 The Terms of Reference set out the governance structure and roles and responsibilities of Board members. A full list of members and the Terms of Reference are attached at Appendix 1.
- 3.13 No powers are being ceded from member authorities to the Growth Board. If members of the Growth Board agree to vest powers into it, this would be agreed by individual councils via their decision making processes. Hence Aylesbury Vale District Council will only cede powers to the Growth Board if it and all other member authorities choose to. Milton Keynes Council is the Accountable Body for the CAGB and will provide the Section 151 officer role to the CAGB.
- 3.14 In the visioning document 'Helping the Cambridge, Milton Keynes and Oxford corridor reach its potential' published at Autumn Budget, government announced its ambition to work with the central area on housing and growth deals throughout 2018. Whilst any potential housing and growth deals will not necessarily cover the whole geography of the Central Area, the Growth Board will have an important role to play in coordinating these at the sub-regional level.

4 Options considered

- 4.1 (a) Do nothing
- 4.2 Establishing joint working at the two ends of the corridor (ie: Oxford and Cambridge) has played a significant role in securing investment, flexibilities and commitments from government. Doing nothing would mean that AVDC would not have a voice in such regional discussions.
- 4.3 (b) Become a full member of the Central Area Growth Board
- 4.4 By becoming a full member of the Central Area Growth Board, AVDC will be an active participant in contributing to agenda on strategic planning, economic development and infrastructure planning at the sub-regional working.

5 Reasons for Recommendation

- 5.1 To seek agreement from Cabinet to become a full member of the Central Area Growth

6 Resource implications

- 6.1 Collaborating and proactively planning for growth through the forum of a Growth Board will allow regional partners to proactively shape the future growth of their places, rather than having growth imposed from above.
- 6.2 By joining the Central Area Growth Board, AVDC is committing to an ongoing annual £5k commitment to support its work and to fund officer roles to support its operation. Further contributions may be sought for specific pieces of work.

6.3 In the years in which AVDC is the Host Authority (those in which it chairs the Growth Board), Committee Management services will be provided by Aylesbury Vale District Council.

Contact Officer Claire Britton 01296 585471

Appendix: Terms of Reference

Background Documents NIC Partnering for Prosperity: a new deal for the Cambridge- Milton Keynes- Oxford arc

Central Area Growth Board – Terms of Reference

These Terms of Reference are not legally binding but are intended to lead to a legal agreement in due course.

Central Area Growth Board

1. Governance

1.1 The Central Area Growth Board (the Joint Committee) includes at commencement the following local authorities:-

Full Members

- Aylesbury Vale District Council,
- Bedford Borough Council,
- Central Bedfordshire Council,
- Cherwell District Council,
- Chiltern District Council,
- Corby Borough Council,
- Daventry District Council,
- East Northamptonshire District Council,
- Kettering Borough Council,
- Luton Borough Council,
- Milton Keynes Council,
- Northampton Borough Council,
- Northamptonshire County Council,
- South Bucks District Council,
- South Northamptonshire District Council,
- Borough of Wellingborough Council and
- Wycombe District Council.

1.2 The Central Area Growth Board is a Joint Committee under s101 (5), 102 Local Government Act 1972 and s9EB Local Government Act 2000 and pursuant (where applicable) to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

Each member authority must take the Terms of Reference through its internal processes.

1.3 The Growth Board will exercise the powers which its members have agreed to vest in it on a unanimous basis under Section 1 of the Localism Act 2011 insofar as they relate to the promotion of development or economic growth or matters ancillary to this. These powers will be exercised concurrently with the constituent members and members will unanimously decide the voting mechanism for exercising powers. This excludes ceding the decision making powers on planning matters, which will remain vested with the Local Planning Authorities, as set out in the Planning and Compulsory Purchase Act 2004.

1.4 The Growth Board will also include associate members, who will be able to participate in meetings but not be able to vote. The LEPS that operate in the area are entitled to be associate members.

1.5 It will also include other co-opted non-voting named members from those organisations listed at 4.4 below.

2. Accountable Body and Host

2.1 The Accountable Body for the Growth Board is Milton Keynes Council which will provide the Section 151 officer role to the Growth Board.

2.2 Milton Keynes Council's Chief Finance Officer (Section 151 Officer) will provide the Growth Board with a quarterly financial report. This report will provide the Board with an overview of the funds spent, funds committed against funds allocated.

2.3 Programme management will be provided by dedicated growth board officer support and will include milestones and outcomes achieved and where necessary, ensure that action plans are put in place to address any concerns.

2.4 The Growth Board will be hosted under local government arrangements and this will be rotated in accordance with the arrangements for the Chair (see Section 8). Committee services are provided by the Host in accordance with the Local Government Act 1972, as outlined in paragraph 8.3.

3. Purpose of the Central Area Growth Board

3.1 To provide the strategic leadership that will enable us to plan for, and realise an economic transformation across the central area, speaking to Government and its Agencies with one co-ordinated voice and encouraging private sector investment.

3.2 To seek to establish Common Planning Areas to produce an integrated and holistic approach to strategic planning for employment, housing and infrastructure that builds on Local Plans, Local Transport Plans and Strategic Economic Plans.

3.3 To accelerate and increase the delivery of planned growth across the area, where this is enabled by investment in infrastructure and services.

3.4 To work together to influence the route planning options, in order to realise the opportunity for the area in the Cambridge-Milton Keynes- Oxford growth corridor, "Expressway" (road and rail) and other associated linkages that may be delivered.

3.5 To approve and monitor the implementation of a Central Area programmes of work including those flowing from any Place Deals, Strategic Economic Plans and transport strategies and other relevant infrastructure programmes as agreed. This is not an exhaustive list and may be expanded at agreement of the Growth Board.

3.6 To bid for and secure investment, including from Government and external sources of resources to support the above purposes.

3.7 To contribute and be an active member of the Cambridge- Milton Keynes-Oxford Corridor cross corridor governance arrangements.

4. Membership

4.1 As the Growth Board is (where applicable) discharging executive functions then the appointed person must (where applicable) be from the Executive. In authorities where the committee system is

in operation the Leader should be the representative. There shall be one member from each constituent body.

4.2 Each constituent authority/body shall appoint a substitute (also being an executive member or in the case of councils using the committee system, another senior member). The substitute member shall have the same rights of speaking and voting at the meetings as the member for whom the substitution is made.

4.3 Subject to the legal right of the Growth Board to appoint a Chair and Vice Chair of its choice each year, the proposed protocol is that there will be a rotating Chair and Vice Chair as set out in 8.2 below.

4.4 Other non-voting members as required for good linkages shall be a single named-position representative from the bodies as detailed below:

- England's Economic Heartlands
- Universities Representative
- Further Education Colleges
- DCLG/BEIS/Department for Transport
- Homes and Communities Agency Representative for South East
- Buckinghamshire County Council

4.5 The Growth Board can agree to allow other authorities/parties outside of the initial members (listed in 1.1, 1.4 and 4.4 above) to have either full or associate membership of the Central Area Growth Board and agree the terms on which this is to be permitted. Associate members would not have voting rights.

4.6 The Growth Board can also invite other relevant observers to meetings of the Board.

5. Voting

5.1 One member one vote for each constituent authority member. The Chair will have an original but not a casting vote.

5.2 Normal rules as to declarations of interest and conflicts of interest to be applied to Local Authority members in accordance with the respective Council's Code of Conduct and LEP members in respect of the LEP Assurance Framework.

5.3 Any questions to be decided by the Growth Board will be decided by way of two thirds majority of constituent members present and voting.

5.4 Members votes are only valid when they have paid the annual subscription (see 10.0 below). Each member must pay their contribution before the agreed date for the year, if the subscription is not paid on the agreed date, the Local Authority will only be entitled to observe Growth Board meetings.

6. Quorum

6.1 The quorum for a Growth Board meeting shall be 2/3rds of (12) constituent members, including the Chair.

7. Functions

7.1 The Members have agreed that the main function of the Growth Board is to focus on growth related matters. The Members have agreed that there are four key outcomes it wishes the Growth Board for the Central Area to focus on, namely to;

- a) Accelerate the delivery of planned growth across the area, where this is enabled by investment in infrastructure and services.
- b) Provide the strategic leadership that will enable existing mechanisms and processes to plan for, and realise an economic transformation across the area.
- c) Secure long-term benefits and opportunities for local communities and
- d) Attract increased private sector investment

7.2 The Growth Board will, in relation to matters of general importance to the Central Area

- Represent the Central Area as a whole
- Respond to consultations, express views and make recommendations to Government and others, including partners, on matters of general importance to the Central Area. This will include on:
 - i. Proposals for major development, including local plans.
 - ii. Proposals for major infrastructure.
 - iii. Funding submissions to Government or its agencies.
 - iv. Strategic Economic Plans.

7.3 Coordination of whether spatial planning, infrastructure and public services are integrated and make recommendations to encourage this.

7.4 Advise partners on matters of collective interest.

7.5 Commission and share research and analysis in support of the preparation of statutory and non-statutory plans and strategies (including local plans and strategic economic plans). This will include work designed to assist compliance with the duty to cooperate in connection with plan-making.

7.6 Lead and coordinate the Homes and Communities Agency (HCA) liaison process on Central Area wide regeneration and housing issues and contribute to any related interaction with Government agencies.

7.7 The Growth Board will also:

- i. Provide a forum for partnership working and collaboration on spatial planning, economic development, housing, transport, and general infrastructure issues.
- ii. Input into development of a Local Industrial Strategy for the Central Area.
- iii. Engage with and represent the Central Area to the Sub-national Transport Body covering the Central Area.
- iv. Wherever possible, the Growth Board will aim to streamline existing processes

8. Meetings

8.1 The Chair and Vice-Chair of the Growth Board will be elected at the first meeting and subsequently at the start of each municipal year (i.e. the first meeting after local government elections are or would usually be held).

8.2 It is expected that the role of Chair and Vice Chair will rotate on a municipal year basis (except in the first year which will be slightly longer than a municipal year), and that the Vice-Chair will serve as the Chair in the following year. It is expected that there will be a rotation of those positions to ensure that each constituent member and geographic area of the Central Area has the opportunity to serve, over time.

8.3 Meetings will be convened by the Chair or on the written request of five or more constituent members. Meetings shall normally be held on a bi-monthly basis at the host authority (that of the Chair), but meetings may be called as and when required to ensure that important timescales are met. Papers will be published in line with the Local Government Act 1972 to ensure statutory timescales are met .

8.4 Proposals for decisions by the Growth Board may be put forward by the Chair or by any member of the Growth Board.

8.5 Local Authority Chief Executives will attend in support of the political attendees at the meetings. Local Enterprise Partnership Chief Executives will attend in support of their LEP Chair.

9. Secretariat and Support

9.1 The secretariat and support for the Growth Board will be established. Primarily the support will be led by dedicated growth board officer support and an Executive Officer Group, the Central Corridor Group (CCoG). CCoG will drive the technical and operational elements and the preparation of advice and recommendations to the Growth Board.

9.2 Dedicated Growth Board officer support will be established. Support will be provided by lead executive officers at each constituent member and LEP, each of whom will link into the CCoG.

9.3 Other investment partners will be involved as appropriate, again connecting directly to the Programme Manager and linking to CCoG as the lead co-ordination group for matters of general importance to the Central Area including the Homes and Communities Agency, Environment Agency, Highways England, Network Rail and England's Economic Heartlands Transport Forum/Sub-national Transport Body. These will advise on the investment and work programme.

10. Funding Contributions

10.1 The budget of the Growth Board will be agreed each year by the Growth Board not later than 1st December of the preceding financial year. The cost of meeting the expenditure planned in the budget shall, to the extent not met from other sources, be divided equally among the members (both constituent and associate) of the Growth Board. This shall be their subscription. At the time of establishment of the growth board, the annual contribution will be £5k. If the Growth Board wishes to seek additional contributions for any further work, proposals will be referred to partners for decision making.

10.2 If the proposed subscription is higher than the preceding year's subscription plus CPI, if any constituent or associate member is unwilling to pay the subscription so determined they may give written notice to the Host on behalf of the Growth Board no later than 1st January preceding the financial year to which the budget will apply. Unless they withdraw in writing that notice they shall cease to be a member from 1st April of that year (and the normal notice period given in Section 11 will not apply).

10.3 Any member which has not given due notice under 10.2 (and whose membership has not come to an end under Section 11) shall be obliged to pay its subscription for the year.

11. Withdrawal

11.1 Any member may give written notice to the Host, on behalf of the Growth Board, of its intention to withdraw from the Growth Board.

11.2 Such notice, unless withdrawn in writing, shall come into effect on the first 1st April which occurs after 12 months after the notice is given.

12. Joining

12.1 Any English local authority may apply to become a consistent member of the Growth Board. The Growth Board may approve such an application if it is satisfied that the applicant's area is closely economically linked to the existing Central Area, and that its joining would not render the governance of the Central Area unreasonably difficult.

12.2 Any English Local Enterprise Partnership may apply to become an associate member of the Growth Board. The Growth Board may approve such an application if it is satisfied that the applicant's area is closely economically linked to the existing Central Area, and that its joining would not render the governance of the Central Area unreasonably difficult.

12.3 On the application to join being approved, the new member shall take on the rights and obligations of the existing members of the Growth Board, including paying the appropriate proportion of the subscription due from members for the financial year in which it joins.

13. Scrutiny Arrangements

13.1 Decisions made by the Growth Committee shall be subject to the usual scrutiny arrangements of each constituent authority.

Council
16 May 2018

SCHEME OF OFFICER DELEGATIONS

Councillor N Blake

Leader of the Council and Chairman of the General Purposes Committee

1. Purpose

1.1. To seek Council's approval to a revised Scheme of Officer Delegations.

2. Recommendations

2.1 That Council:-

(a) Approves the revised Scheme of Officer Delegations attached as an Appendix to the report to the General Purposes Committee (also attached), which now reflects the new officer structures and any changes to statutory provisions that have occurred over the last year or so.

(b) Authorises the Democratic Manager, after consultation as necessary with the Lead Legal and Monitoring Officer, to update the Scheme of Officer Delegations within the Constitution, to take account of the changes highlighted in the attached report.

3. Supporting Information

3.1 At its meeting on 9 April, 2018, the General Purposes Committee considered the attached report, which incorporated a revised version of the Scheme of Officer Delegations. The report sets out in detail the rationale behind the changes made. The General Purposes Committee went through the report in detail and commended it for approval by Council.

4. Options Considered/Reasons for Recommendations

4.1 These are set out in the attached report.

4. Resource Implications

None.

Contact Officer: Bill Ashton and Ifty Ali.

Background documents: None.

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SCHEME OF OFFICER DELEGATIONS

Councillor N Blake
Leader of the Council

1 Purpose

- 1.1 To advise Members of changes made to the scheme of officer delegations to reflect the new officer structures and changes in legislation that have occurred since the delegations were last reviewed.

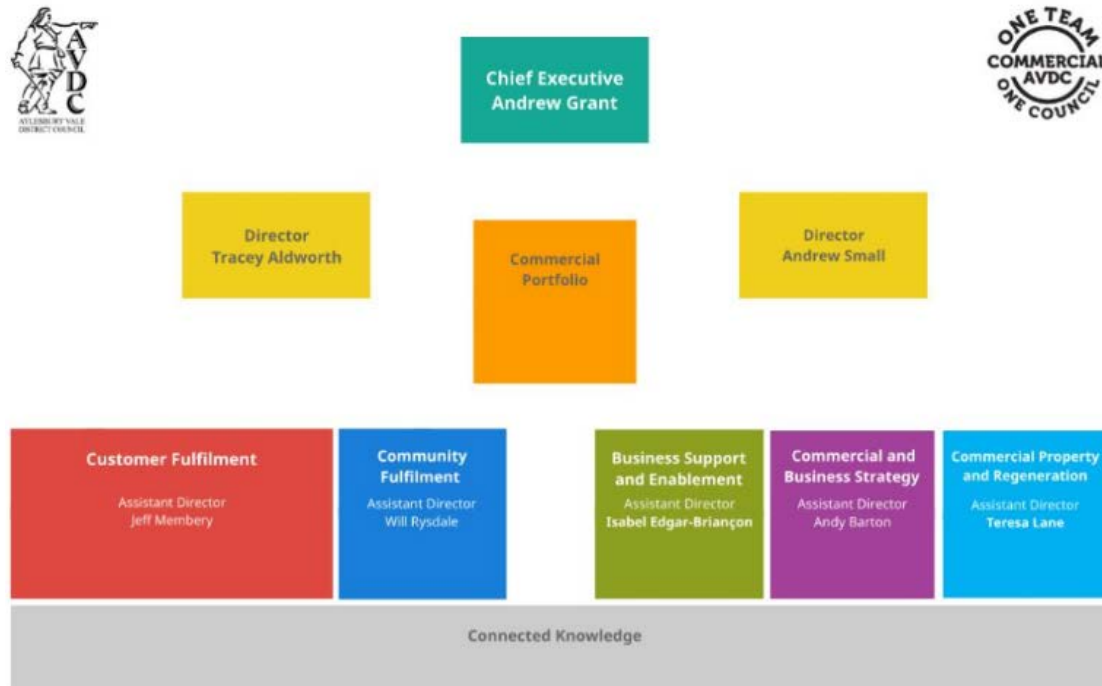
2 Recommendations

- | | |
|-----|--|
| 2.1 | That Council be recommended to approve the revised Scheme of Officer Delegations, attached as an Appendix to this report, which now reflects the new officer structures and any changes to statutory provisions which have occurred over the last year or so. |
| 2.2 | That Council be recommended to authorise the Democratic Manager after consultation as necessary with the Lead Legal and Monitoring Officer, to update the Scheme to take account of the changes referred to in this report, and to make future changes of a similar nature in accordance with the authority already granted within the Constitution. |

3 Supporting Information

- 3.1 In February, 2016, Council approved a universal change to the management of the Authority, moving from a silo organisation to a social enterprise organisation. This was necessary to ensure the long term sustainability of the organisation, whilst at the same time ensuring the continuance of excellent service delivery that puts the customer at the heart of everything that the Council delivers.
- 3.2 In achieving these aims, there were a number of changes required to the way in which the Council worked, including:-
- Overall, a need for a much more commercial approach and understanding of the business.
 - Removal of the silo arrangement of staff, moving them into a more generic approach to fulfilling customer demands, without losing specialism where this was required.
 - Detaching management responsibility from professional expertise, recognising that good management does not always come with specific technical expertise.
 - Becoming more flexible in the way in which work is undertaken and the way in which customers are served, enabling staff, processes and structures to react quickly and efficiently to new customer demands.
 - Widening the span of managerial responsibility, with a more corporate approach to service delivery as opposed to a departmental approach.
- 3.3 In its simplest form, AVDC needed to be orientated around the customer and become speedy in response to customer demands, similar to commercial organisations.

- 3.4 Since February, 2016, work has progressed on the delivery of these objectives, with Members being kept apprised via specific seminars and reports via Cabinet. All sections of the Council have been the subject of specific business reviews to ensure that they are fit for purpose. All staff have been through a behavioural and skills assessment with the majority of the posts now having been filled. The new structure provides for a Head of Paid Service (Chief Executive), two Directors and a number Assistant Directors responsible for the new business sectors, as detailed in the diagram below.



- 3.4 In addition to the above, a Digital Strategy Manager was appointed (Maryvonne Hassall).
- 3.5 This has been a truly innovative and complex exercise, which other authorities are examining carefully as a role model for their own sustainability reviews. The Council has been able to monetise some of the skills it has developed in restructuring the way in which the Authority works.
- 3.6 Now that the transformation programme has been completed, work has been undertaken to bring the Scheme of Officer delegations into line to reflect the new officer structures. The opportunity has also been taken to update the Scheme to reflect new legislative requirements.
- 3.7 Under the Constitution, the Democratic Manager and the Lead Legal and Monitoring Officer have delegated authority to make technical changes to the Constitution (including the Scheme of Officer Delegations) to reflect changes of this nature, and it would not, under normal circumstances be necessary to bring a report to Members. However, the Democratic Manager feels that following such a detailed transformation programme, and to put the position beyond doubt, it is appropriate on this occasion to seek formal approval from Members. The Lead Legal and Monitoring Officer has been consulted and concurs with this view.

3.8 The majority of the changes relate to changes in officer titles and take account the re-allocation of some services into different sectors. There are no new delegations although some have been amended to put matters beyond doubt. Some flexibility has also been built into the scheme to enable the transfer of responsibilities between senior management to enable areas of critical importance to be afforded greater priority and to reduce the strain on individual workloads. As previously mentioned, there have been some minor changes to reflect changes in legislation. The Changes are highlighted in the attached Appendix.

4. Options considered / Reasons for recommendations

4.1 None as such. The suggested changes are necessary to reflect the business transformation programme and changes to legislation that have occurred since the Scheme was last reviewed.

5. Resource implications

5.1 None.

Contact Officer: Bill Ashton (01296) 585040
Background Documents: None

Section C – Scheme of Officer Delegations Including Proper Officer Functions

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SCHEME OF OFFICER DELEGATIONS

EXECUTIVE FUNCTIONS

This scheme delegates to officers the powers and duties of the Cabinet in relation to executive functions and local choice functions exercisable by the Cabinet.

1. The exercise of functions by officers shall be in accordance with:
 - a) the requirements of the relevant legislation;
 - b) the policy and interests of the Council;
 - c) the Constitution of the Council;
 - d) provision in the annual estimates or capital programme of the Council where expenditure is involved;
 - e) the appropriate conditions of service for staff;
 - f) the requirements of employment legislation and Council personnel policies;
 - g) the managerial requirements of the Head of Paid Service otherwise than in matters of professional expertise;
 - h) the legal requirements of the **Lead Legal and** Monitoring Officer;
 - i) the financial requirements of the Director who is the Section 151 Officer.
2. Any delegation to the Chief Executive, a Director, Assistant Director or **other Manager so authorised** may be exercised on his/her behalf by any other officer authorised in writing by him/her. This power applies also to any other matter for which they are a designated officer within the Constitution or any policy or procedure.
3. Any reference in this document to statute shall be deemed to include a reference to any statutory extension, amendment, modification or re-enactment of it for the time being in force.
4. The scheme delegates powers and duties within overall functional descriptions. The exercise of a delegation applies to functions in a broad and inclusive manner and includes the doing of anything which will facilitate or is conducive or incidental to the discharge of any of the specified functions.
5. Officers must consider in what circumstances it might be appropriate to consult Members such as the relevant Cabinet Member or local Member before taking a decision. If such a Member objects to the proposed decision the matter must be reported to the relevant Cabinet Member or decision taking body for consideration unless there is specific provision for dealing with objections within a particular delegation.
6. The Cabinet or relevant Cabinet Member may reserve a decision about a particular matter to them or require that an officer refrains from exercising a delegated authority.

7. An officer may consider that a delegated authority should not be exercised and that a matter should be referred to the relevant Cabinet Member or decision taking body for determination.
8. An officer must not exercise delegated powers in relation to any matter in which they have a private or prejudicial interest.
9. The scheme does not delegate to officers any power to confirm an order, or to issue or grant any permission, consent, licence or other determination which is the subject of a statutory right of objection that has been duly exercised unless there is specific provision for dealing with objections within a particular delegation.
10. An officer must exercise delegated powers in accordance with the Access to Information Procedure Rules which in particular require that:
 - Any key decision to be made by an officer must be published first in the Forward Plan.

AND

- In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which require Executive decisions made by officers to be published for public inspection **on the Council's web site.**

NOTE: If in doubt, the Lead Legal and Monitoring Officer should be consulted.

11. Officers have an obligation to keep Members appropriately informed of activity arising within the scope of these delegations
12. The Chief Executive shall determine any issues that may arise in relation to the operation of this scheme.

The following functions and powers are delegated:

Chief Executive/Head of the Paid Service

The Chief Executive is the Council's Head of the Paid Service. The Chief Executive can take any decisions in respect of executive functions for which he/she is responsible and where legally permissible, which are delegated to Directors, Heads of Service and **other** Managers.

In addition, the Chief Executive is empowered to take any decision which he/she considers necessary on the grounds of urgency, efficiency or cost.

If the Chief Executive is absent or unable to act a Director may exercise all the powers referred to above. **In the absence of a Director for any reason which**

prevents them from acting, an Assistant Director may exercise all of the above powers where legally permissible.

Directors

Directors are responsible for a range of services as listed below. Each is empowered to take any decisions in respect of executive functions for which he/she is responsible and where legally permissible, which the Assistant Directors or other Managers reporting to them can take.

The Chief Executive, Director with responsibility for finance and the Lead Legal and Monitoring Officer may authorise covert surveillance in accordance with the Council's policy. The Lead Legal and Monitoring Officer is the Senior Responsible Officer (SRO).

Assistant Directors and other Managers

Assistant Directors and other Managers are responsible for the operational management of a range of services as listed below and the contractual performance of any services bought by the Council within their areas of responsibility. They have the delegated authority to make all decisions necessary in respect of executive functions to manage the services for which they are responsible, subject to the caveats referred to in paragraph 10 above.

In accordance with the Council's commercial aspirations and to facilitate speedy decision making, the Chief Executive and Directors may transfer functions from one Assistant Director to another in the interests of the efficiency of the service and for whatever period they feel is appropriate.

Responsibilities of Officers

CE/Directors	Assistant Directors/other Managers so delegated	Responsibilities
Chief Executive		<ul style="list-style-type: none"> • Head of Paid Service • Progressing achievement against strategic objectives • Leading programmes of change and development • Delivering on major projects • Electoral Registration Officer • Returning Officer • Public Order
Director (1)		<ul style="list-style-type: none"> • Leading and managing a range of services • Progressing achievement against strategic objectives • Leading programmes of change and development • Delivering on major projects • Economic Development

CE/Directors	Assistant Directors/other Managers so delegated	Responsibilities
	Assistant Director responsible for Community Fulfilment	<ul style="list-style-type: none"> • Boundary Reviews • Democratic process and meetings • Electoral registration and elections • Member support and appointments to other bodies • Advertising and sponsorship • Corporate communications and marketing • Community involvement and market research • Corporate identity and branding • Leisure Promotions, e.g. Play in the Parishes, Whizzfizzing Festival and other similar events • Community Safety • Safeguarding • Grants and voluntary sector • Community Cohesion • Prevent • Forward Planning design • Local Development Plans and briefs • Major development areas and key sites • Garden Towns • Economic Development • Planning policies • Affordable housing delivery • Housing partnerships and strategy • Emergency planning • Parish advice (Code of Conduct/governance issues) • Parking strategy
	Assistant Director responsible for Customer Fulfilment	<ul style="list-style-type: none"> • Green Spaces • Food hygiene and safety • Environmental health, licensing and public safety • Private sector housing • Housing grants and loans • Public health • Community spaces • Street cleansing (For the time being passed to the Assistant Director responsible for Business Support and enablement) • Refuse collection and recycling (For the time being passed to the Assistant Director responsible for Business Support and Enablement) • Waste policies (For the time being passed to the Assistant Director

CE/Directors	Assistant Directors/other Managers so delegated	Responsibilities
		<p>responsible for Business Support and Enablement)</p> <ul style="list-style-type: none"> • Building Control • Engineering and flood control • Conservation / Heritage • All Development Management aspects. • Major Development Areas and key sites • Design • Development Management plans and briefs • Affordable housing allocation • Housing Needs and Advice and Homelessness • Operational parking (For the time being passed to the Assistant Director responsible for Business Support and Enablement) • Shopmobility • Customer Service Centres • Revenues and Benefits • Council Tax collection / arrears • Concurrently with the Group Manager (Customer Relationship) to make technical changes to Council Tax Discounts, Exemptions, Penalties and Reductions. • Planning enforcement • Anti-social behaviour
Director (with responsibility for Finance) (Director2)		<ul style="list-style-type: none"> • Leading and managing a range of services • Progressing achievement against strategic objectives • Leading programmes of change and development • Section 151 Officer • Procurement • Connected Knowledge • Compensation payments under the Localism Act 2011 (Assets of Community Value)
	Assistant Director responsible for Business Support and Enablement	<ul style="list-style-type: none"> • Comments, compliments and complaints • Freedom / reuse of information • IT systems and infrastructure • Corporate Health and Safety • Equality and diversity • Payroll • Business Rates Collection/Arrears

CE/Directors	Assistant Directors/other Managers so delegated	Responsibilities
		<ul style="list-style-type: none"> • Debtors/creditors • Insurance • Business continuity • (Until further notice) Refuse collection and recycling • (Until further notice) Street cleansing • (Until further notice) Waste policies • (Until further notice) Operational parking
	<p>Assistant Director responsible for Commercial and Business Strategy (Also Data Protection Officer and Deputy Section 151 Officer)</p>	<ul style="list-style-type: none"> • Contracts • Data Protection (GDPR) • Project management • Audit, fraud and business assurance • Performance management • Risk Management. • Accountancy and financial planning • VAT • Commercial Companies Governance • Information Governance • HR
	<p>Assistant Director responsible for Commercial Property and Regeneration</p>	<ul style="list-style-type: none"> • Facilities management and property maintenance • Gateway Conference facilities • Town Centre regeneration and management • Markets • Commercial Property Strategy and Investment • Property not in the operational control of another service • Local Land Charges • Community Centres • Leisure Centres and Theatres • Estates
	<p>Lead Legal and Monitoring Officer</p>	<ul style="list-style-type: none"> • The taking and defending of legal proceedings • Legal functions and advice • Discharging Monitoring Officer statutory duties and ethical governance (Code of Conduct) • Parish advice (Standards and Code of Conduct) • Determination of Assets of Community Value

CE/Directors	Assistant Directors/other Managers so delegated	Responsibilities
	Digital Programme Director	<ul style="list-style-type: none"> All matters related to Connected Knowledge delivery

Specific Delegations –

Chief Executive, Directors and Assistant Directors **and other Managers so authorised**

To respond to any representations received on why a meeting of cabinet or a committee of cabinet where it is intended to exclude the public and hold a meeting or part of a meeting in private, should be open to the public pursuant to regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Director (1)

The consideration, and after consultation with the relevant Cabinet Member, the determination of any objections received in respect of any Road Traffic Regulation Order proposed to be made by the Council whether pursuant to the Road Traffic Regulation Act, 1984, the Traffic Management Act, 2004 or any other enabling power.

Democratic Manager

To update the officer scheme of delegations in relation to executive functions to reflect changes:

- of a factual, technical or legal nature.
- arising from decisions of Cabinet, Cabinet Members or Cabinet Committees.
- to officer structures or officer post titles.

(The Democratic Manager is also a Deputy Monitoring Officer)

Corporate Planner

The consideration, and after consultation with the Chairman of the Development Management Committee, the determination of any objections received in respect of any Article 4 Direction (in relation to the removal of permitted development rights) proposed to be confirmed by the Council pursuant to the provisions of the Town and Country Planning (General Permitted Development) Order, 1995.

All powers associated with planning related injunctions concurrently with the Lead Legal and Monitoring Officer.

Group Manager (Regulatory Services)

In accordance with the provisions of the Housing and Planning Act, 2016:-

- The power to apply for a Banning Order against certain persons convicted of a Banning Order offence to prohibit them from letting property for a specified period of time.
- The power to apply for a Rent Repayment Order for certain offences to seek recovery of rent paid by Universal Credit.

- The power to delegate officers to enforce the provisions of the Act.

Director of Public Health

The Director of Public Health is authorised to exercise the following powers:

- Section 47 of the National Assistance Act 1948 – authority to move persons to a suitable hospital.
- Section 1 of the National Assistance (Amendment) Act 1951- authority for medical officer to make direct application to court under Section 47 of the 1948 Act.

DELEGATIONS TO OFFICERS – COUNCIL FUNCTIONS

This scheme delegates to officers the powers and duties of the Council which are not the responsibility of the Cabinet

1. The exercise of functions by officers shall be in accordance with:
 - a) the requirements of the relevant legislation;
 - b) the policy and interests of the Council;
 - c) the Constitution of the Council;
 - d) provision in the annual estimates or capital programme of the Council where expenditure is involved;
 - e) the appropriate conditions of service for staff;
 - f) the requirements of employment legislation and Council personnel policies;
 - g) the managerial requirements of the Head of Paid Service otherwise than in matters of professional expertise;
 - h) the legal requirements of the **Lead Legal and** Monitoring Officer;
 - i) the financial requirements of the Director who is the Section 151 Officer.
2. Any delegation to the Chief Executive, a Director, Assistant Director or **other Manager so authorised** may be exercised on his/her behalf by any other officer authorised in writing by him/her. This power applies also to any matter for which they are a designated officer within the Constitution or any policy or procedure.
3. Any reference in this document to statute shall be deemed to include a reference to any statutory extension, amendment, modification or re-enactment of it for the time being in force.
4. The scheme delegates powers and duties within overall functional descriptions. The exercise of a delegation applies to functions in a broad and inclusive manner and includes the doing of anything which will facilitate or is conducive or incidental to the discharge of any of the specified functions.
5. Officers must consider in what circumstances it might be appropriate to consult Members such as the relevant Committee Chairman or local Member before taking a decision. If such a Member objects to the proposed decision the matter must be reported to the relevant or decision taking body for consideration unless there is specific provision for dealing with objections within a particular delegation.
6. The Council or relevant Committee may reserve a decision about a particular matter to them or require that an officer refrains from exercising a delegated authority
7. An officer may consider that a delegated authority should not be exercised and that a matter should be referred to the relevant Committee or decision taking body for determination.

8. An officer must not exercise delegated powers in relation to any matter in which they have a private or prejudicial interest.
9. The scheme does not delegate to officers any:
 - matter which by law may not be delegated to an officer
 - power to make an order for the compulsory acquisition of land
 - power to confirm an order, or to issue or grant any permission, consent, licence or other determination which is the subject of a statutory right of objection that has been duly exercised unless there is specific provision for dealing with objections within a particular delegation.
10. Any decision of an officer having substantive effect shall be recorded in such a manner so as to provide clarity on what action has been authorised and in particular be –

In accordance with the Openness of Local Government Bodies Regulations 2014 relating to Council functions, which require that decisions taken under a specific authorisation, grant a permission or licence, affect the rights of an individual, award a contract or expenditure which materially affects the Council's financial position to also be recorded and published for public inspection **on the Council's web site.**

NOTE: If in any doubt, consult the Lead Legal and Monitoring Officer.

11. Officers have an obligation to keep Members appropriately informed of activity arising within the scope of these delegations
12. This scheme also covers the appointment of “proper officers” for certain statutory purposes.
13. The Chief Executive shall determine any issues that may arise in relation to the operation of this scheme.

The following functions and powers are delegated:

Chief Executive/Head of Paid Service

To take any decisions in respect of Council functions where legally permissible which are delegated to the Directors, Assistant Directors and **other Managers.**

To take any decision on behalf of the Council which he/she considers necessary on the grounds of urgency, efficiency or cost.

If the Chief Executive is absent or unable to act a Director may exercise all the powers delegated to him/her. **In the absence of a Director for any reason which prevents them from acting, an Assistant Director may exercise all the powers delegated to the Chief Executive where legally permissible.**

Electoral Registration Officer.

Returning Officer for district and parish elections and parish polls.

Variations to polling districts and polling places.

The following personnel matters:

- Changes to the grading of posts provided that the costs could be met.
- Changes to people, payroll and pension policies or procedures.
- Dismissals related to disciplinary matters or any such other matters considered to be in the interests of the Council (including redundancies), in accordance with Council policy and procedures. The Chief Executive may at any time, in accordance with the general operational rules relating to this scheme of officer delegations, delegate this to Directors and Assistant Directors.
- Stage 1 appeals under the Local Government Pension Scheme Regulations 1977 as amended where the Payroll Manager took the decision the subject of the appeal.

Chief Executive/Directors

To take any decisions in respect of Council functions for which he/she is responsible and where legally permissible, which the Assistant Directors or Senior Service Managers reporting to them can take.

To determine appeals against dismissal of employees who fail to successfully complete their probationary period.

Chief Executive, Director with responsibility for Finance and the Lead Legal and Monitoring Officer

May authorise covert surveillance in accordance with the Council's policy. The Lead Legal and Monitoring Officer is the Senior Responsible (SRO).

Director 1

To exercise the functions of the Council relating to rights of way and to confirm orders except in those circumstances where an objection was made.

To deal with community safety and in particular enforcement functions under the Anti-Social Behaviour Legislation for the time being in force.

Assistant Director with responsibility for Customer Fulfilment / Group Manager (Regulatory Services)

To exercise the licensing and registration functions of the Council with the exception of:

- applications to license sex shops, the making of **Public Space Protection Orders** and the setting of certain fees (where they have to be advertised and any representations considered) which are determined by the Licensing Committee.
- applications under the Licensing Act 2003 which have to be submitted to the Licensing and Gambling Acts Sub- Committee for determination in the following circumstances:

Application/Decision	Proviso
Personal Licence	Where an objection is made.
Premises/Club Premises Licence	If a relevant representation is made.
Provisional Statement	If a relevant representation is made.
Variation of premises/Club Premises Licence	If a relevant representation is made.
Variation of Designated Premises Supervisor	If a police objection is made.
Transfer of a Premises Licence	If a Police objection is made.
Interim Authorities	If a Police objection is made.

To make minor changes to the Councils Taxi and Private Hire Policy in consultation with the Chairman of the Licensing Committee.

To deal with the issue of consents and registrations and undertake all aspects of enforcement action pursuant to the Council's statutory functions relating to animal welfare, caravan sites, environmental protection, food safety, health and safety, housing, pollution control and unauthorised encampments.

(Also) Assistant Director responsible for Customer Fulfilment /Group Manager (Regulatory Services)

1	Authority to exercise the powers conferred upon the Licensing Committee by the Gambling Act 2005 and any related legislation to the extent the Act permits it.
2.	Authority to exercise the functions relating to small society lotteries under the Gambling Act 2005.

3.	Authority to remove the gaming exemption for alcohol licensed premises pursuant to Section 284 of the Gambling Act 2005.	
4	Authority under the Gambling Act, 2005 for the following:-	
	Function	Relevant section of the Act
	Power to designate officer of a licensing authority as an authorised officer for a purpose relating to premises.	304
	Power to exchange information	350
	Duty to comply with requirement to provide information to Gambling Commission	29
	Functions relating to exchange of information	30
	Functions relating to occasional use notices	39

In consultation with the Chairman or in his/her absence, the Vice-Chairman of the Licensing Committee:

- Authority to exercise all the Council's licensing functions pursuant to the Scrap Metal Dealers Act 2013 to the extent that the Act permits.
- depart from the Council's general policy and procedure concerning taxi and private hire licensing if the facts and circumstances justify it.

Assistant Director responsible for Customer Fulfilment / Group Manager (Regulatory Services) / Licensing Officers (In consultation with the Chairman or in his/her absence, the Vice-Chairman of the Licensing Committee) to:-

- Refuse applications for, or suspend or revoke existing, hackney carriage and private hire licenses.
- To further delegate the authority to refuse, or suspend or revoke hackney carriage and private hire licences in consultation with the Chairman or in his/her absence, the Vice-Chairman of the Licensing Committee

All matters relating to powers granted to the Authority under the Anti-Social Behaviour, **Crime and Policing** Act, 2014.

Assistant Director responsible for Customer Fulfilment/Group Manager (Regulatory Services)

To carry out both written and oral hearings in respect of a homelessness or housing applicant to review a decision.

Head of People and Culture

To deal with all personnel functions with the exception of corporate management arrangements and salary awards which are reserved to Council and those matters delegated to the Assistant Director responsible for Commercial and Business Strategy.

Lead Legal and Monitoring Officer

To deal with the following insofar as they relate to functions of the Council:

- Criminal and civil litigation
- Ethical governance and standards
- Legal advice
- To take action in relation to referrals under the relevant regulations.
- Concurrently with the Democratic Manager, determine the membership of the Hearing Sub-Committees of the Standards Committee.
- To determine applications for dispensation under Section 33 of the Localism Act 2011 after consultation with the Chairman or Vice Chairman of the Standards Committee (or where these are unavailable or for some reason conflicted out, the Chairman of the Council) and an independent person. Where all members are conflicted out an independent person only is to be consulted.
- **Signing and sealing of documents**

Concurrently with the Electoral Manager and Democratic Manager to deputise as Electoral Registration Officer and to deputise for the Returning Officer for elections and parish polls.

Concurrently with the Electoral Manager and Democratic Manager, to give public notice of a vacancy in the office of councillor

Concurrently with the Democratic Manager, the following constitutional matters:

- Changes to the constitution of a factual, technical or legal nature.
- Updating the scheme of delegations arising from decisions of Council or committees and changes to officer structures or officer post titles.
- Determining the membership of the Licensing and Gambling Acts Sub-Committee, the Senior Appointments Committee, panels of the Appeals and Complaints Committee, the Hearing Sub-Committees of the Standards Committee, the Independent Remuneration Panel and the Members Pay Negotiating Team.
- Adjustments to the Member allowances scheme.
- Appointment of representatives to outside bodies.

Concurrently with the Democratic Manager, matters relating to parish councils and parish meetings including the appointment of temporary members.

Concurrently with the Democratic Manager, the following matters relating to the Petitions Scheme:

- Receipt, management and reporting of petitions sent to the Council under the scheme as referred to in Section D of the Constitution.
- Following consultation with the Leader of the Council to reject petitions which are considered to be vexatious, abusive or otherwise inappropriate.

Assistant Director responsible for Customer Fulfilment/Corporate Planner

1. To deal with the following insofar as they relate to the functions of the Council:

- Conservation / Heritage
- Development Management aspects
- Design
- Major Development areas and key sites
- Development Management plans and briefs

With the exception of:

(a)	any application* which a Member has requested be referred to the appropriate Development Management Committee for consideration (provided that the Member has given a material planning reason for the request).
(b)	any application* where the Parish Council has made material planning representations which are contrary to the recommendation made by Officers and where the Parish Council has confirmed in it's consultation response that they will be in attendance to speak at the meeting of the appropriate Development Management Committee. ¹
(c)	any application* for any consent approval or determination made by or on behalf of the District Council which have been subject to representations contrary to the Case Officer's recommendation.
(d)	Any application made by an elected Member or senior officer of the Council, or a close relation** of either such persons, which refers to more than one property and where material planning representations objecting to the application have been received. Delegation is still permitted if the application is refused. ¹

*Application in this context excludes the applications referred to in section 2 below and prior approval submissions regarded as HS2 Schedule 17 submissions which are not regarded as planning applications, given that planning permission would be granted under the HS2 legislation.

**Close relation being the same as under the rules of intestacy¹

and subject to the Assistant Director or the Corporate Planner being satisfied that:

- (i) all such decisions are made in accordance with the Council's approved or adopted planning policies;
 - (ii) exercising delegated powers is appropriate;
 - (iii) Prior consultation with the Chairman (or in the Chairman's absence, the Vice-Chairman) of the appropriate Development Management Committee in cases where any application is made by a Member or key officer;
 - (iv) Prior consultation with the Chairman (or in the Chairman's absence, the Vice-Chairman) of the appropriate Development Management Committee in cases where any Parish Council representations have been received contrary to the recommendations made by officers.
 - (v) Prior consultation with the Chairman (or in the Chairman's absence, the Vice-Chairman) of the appropriate Development Management Committee in cases where any request is made by a Member for an application to be referred to the appropriate Committee and there is a dispute as to what is a material planning application.
2. To determine all applications (including those from Members or officers) for Certificates of Lawful Development under Section 191 (existing use or development) and Section 192 (proposed use or development) of the Town and Country Planning Act 1990, notwithstanding that representations have been received that are contrary to the recommendations made by officers and notwithstanding any request received from a Member that the application be referred to the appropriate Development Management Committee for consideration.
3. The taking of any action in respect of complaints relating to High Hedges made under Part 8 of the Anti-Social Behaviour Act 2003 except for:
- a) Any complaint where any Member objects to the Corporate Planner exercising this authority;
- and subject to the Corporate Planner being satisfied that:
- a) Exercising delegated powers is appropriate;
 - b) No complaint involving a Member or key Officer is determined using delegated powers.
4. To decide which applications should be categorised as "other key growth related developments" for determination by the Strategic Development Management Committee.

Planning Policy Manager

To deal with the following insofar as they relate to the functions of the Council:

- Forward Planning design
- Local Development Plans and briefs
- Major development areas and key sites
- Planning policies
- Assistance with the preparation of Neighbourhood Plans and the “making” of such plans following a positive referendum result.

Assistant Director **responsible for Customer Fulfilment / Commercial Services Manager**

To deal with the following insofar as they relate to the functions of the Council:

- Building control
- Engineering and flood control

PROPER OFFICER FUNCTIONS

- 1) The “proper officers” for various statutory functions are listed below.
- 2) Where legally permissible the Chief Executive, and relevant Director is authorised to act as “Proper Officer” for any function:
 - in the absence or inability to act of the “Proper Officer” specified by the Council; or
 - for which a “proper officer” has not been identified within this scheme.

Chief Executive

- a) Appointed formally as the “Head of the Council’s Paid Service” for the purposes of Section 4(l) of the Local Government and Housing Act, 1989.
- b) Registration Officer for any constituency or part of a constituency coterminous with or contained in the District.
- c) Returning Officer for the election of Councillors of the District and of Councillors of parishes within the District.
- d) Representation of the People Act, 1983, Sections 75, 81 and 82 – Declarations and Returns of Election Expenses.
- e) The Neighbourhood Planning (Referendums) Regulations 2012 and the Neighbourhood Planning (Amendment) Regulations 2013.
- f) Any reference in any enactment passed before or during the 1971 – 1972 session of Parliament other than the Local Government Act 1972, or in any instrument made before 26 October 1972, to the clerk of a council or the town clerk of a borough which, by any provision of the said Act, is to be construed as a reference to the proper officer of the Council.
- g) Any reference in any local statutory provision to the clerk of a specified council or the town clerk of a specified authority which is to be construed as a reference to the proper officer of the Council.

Group Manager Regulatory Services Manager

- a) The Public Health (Control of Disease) Act 1984 with the exceptions of Sections 20, 21, 32, 36, 40, 43 and 48.
- b) The Building Act 1984 insofar as it relates to environmental health matters.

Assistant Director responsible for Customer Fulfilment / Commercial Services Manager

- a) Any reference in any enactment passed before or during the 1971 -1972 session of Parliament other than the Local Government Act 1972, or in any instrument made before 26th October 1972, or in any local statutory provision to the surveyor of a council or borough.
- b) Section 191 (2) of the Local Government Act 1972 - To receive notice of applications under the Ordnance Survey Act 1841.
- c) Sections 93 and 126 of the Building Act 1984.

Director (with responsibility for finance)

- a) Under Section 151 of the Local Government Act 1972, to have responsibility for the proper administration of the financial affairs of the Council. (The Assistant Director responsible for Commercial and Business Strategy and the Strategic Finance Lead are Deputy Section 151 Officers)
- b) Any reference in any enactment passed before or during the 1971 – 1972 session of Parliament other than the Local Government Act 1972, or in any instrument made before 26th October 1972, or in any local statutory provision to the treasurer or financial officer of a council or borough.
- c) The following provisions of the Local Government Act 1972, namely:-

Section 115(2)	To receive monies held by officers on the council's behalf
Section 146(1)	To arrange for transfers of securities on any changes of area or boundaries.
Section 210	To exercise any powers in respect of a charity which are vested in the Council.

Lead Legal and Monitoring Officer

To act as “Monitoring Officer” for the purposes specified in the Local Government and Housing Act 1989.

To act as Monitoring Officer under Section 33 of the Localism Act 2011 for the receipt of requests from Members for dispensation.

(The Council has two Deputy Monitoring Officers, namely the Assistant Director responsible for Business Support and Enablement and the Democratic Manager).

For the following purposes of the Local Government Act, 1972, as amended:-

Section 13 (3)	To act as Parish Trustee in respect of parish meetings, concurrently with the Democratic Manager.
Section 83	To receive declarations of acceptance of office, concurrently with the Democratic Manager and Electoral Manager.
Section 84	To receive written notices of resignation, concurrently with the Democratic Manager and Electoral Manager.
Section 88 (2)	To convene the council to fill a vacancy of Chairman of the Council, concurrently with the Democratic Manager.
Section 89 (1)	To receive written notice of casual vacancies, concurrently with the Democratic Manager and Electoral Manager.
Section 96	To receive and record general notices of Members' interests, concurrently with the Democratic Manager.
Section 100B	Providing and maintaining copies of the agenda and reports for both public inspection and for the press, concurrently with the Democratic Manager.
Section 100C(1)	Providing and maintaining copies of Minutes and any summary thereof for inspection after meetings for a period of 6 years, concurrently with the Democratic Manager.
Section 100C(2)	Provision of written summaries of proceedings, concurrently with the Democratic Manager.
Section 100F (2)	Documents to be regarded as "exempt" from members' inspection concurrently with the Democratic Manager.
Section 100G	Making available to the public and press at the various Council offices the details as to Members, delegated powers to officers and summary of rights of attendance at meetings, concurrently with the Democratic Manager.
Section 223 (1)	To prosecute and defend in magistrates' court proceedings.
Section 225 (1)	To receive and hold documents deposited with the Council.
Section 229 (5)	To certify the accuracy of photographic copies of documents.
Section 234 (1)	To authenticate notices, orders or other documents.

Section 236	To circulate byelaws, when made, as required by law.
Section 238	To certify the accuracy of printed byelaws produced in evidence in legal proceedings.
Section 248 (2)	To keep the roll of freeman of a former borough, concurrently with the Democratic Manager.
Schedule 6 Para 1 (a)	Registration of electors, concurrently with the Electoral Manager.
In Schedule 12 Para 4 (2) (b)	To issue summonses for meetings of the Council, concurrently with the Democratic Manager.
In Schedule 12 Para 4 (3)	To receive requests from Members for Council summonses to be sent to an alternative address, and to receive requests for the electronic delivery of Council summonses, concurrently with the Democratic Manager.
In Schedule 14 Para 25 (7)	To certify the accuracy of copies of Council resolutions to be received in evidence in legal proceedings, concurrently with the Democratic Manager.

Making available the lists of background papers when transmitted to her/him by the "proper officer" in relation thereto. (Concurrently with the Democratic Manager).

The following provisions of the Local Government and Housing Act, 1989 namely:-

- a) To retain the lists of Officers designated for political restrictions identified in accordance with Section 2(2).
- b) Section 15 and Schedule 1 (Voting rights and political balance on Committees and Sub-Committees). (Concurrently with the Democratic Manager).
- c) For receiving notices of Members interests under Section 19 and the Local Authority (Members Interests) Regulations 1992.

Local Authorities (Referendums) (Petitions & Directions) (England) Regulations 2000 (Concurrently with the Electoral Manager).

Local Authorities (Standing Orders) (England) Regulations 2001, concurrently with the Democratic Manager.

Also authorised to act in relation to the following in the absence or inability to act of the Chief Executive:-

Electoral Registration Officer (Concurrently with the Electoral Manager).

Returning Officer

Representation of the People Act, 1983, Sections 75, 81 and 82 –
Declarations and Returns of Election Expenses. (Concurrently with the
Electoral Manager).

Chief Executive, Directors, Assistant Directors, Lead Legal and Monitoring Officer

For the following purposes of the Local Government Act 1972, as amended, in
relation to reports prepared by them.

- a) Section 100B (2) (designation of reports as “not for publication”).
- b) Section 100D (1) (a) (designation of lists of “background papers”).
- c) Section 100D (5) (a) (identification of “background papers”).
- d) Section 234 (i) (authentication of documents relating to the functions of
their department or Division).

For the functions set out in the Local Authorities (Executive Arrangements)
(Meetings and Access to Information) (England) Regulations 2012 and those
set out in the Openness of Local Government Bodies Regulations 2014
relating to Council functions.

Assistant Director responsible for Commercial and Business Strategy

For the purposes of the GDPR provisions, this Director is the Data Protection
Officer. He/she is responsible for overseeing the data protection strategy and
implementation in compliance with GDPR requirements.

Director of Public Health or in his/her absence the Consultant for Communicable Disease Control or the Consultant in Public Health Medicine

- a) Matters relating to notifiable diseases and food poisoning generally and
in particular for those sections of the Local Government Act 1972 and of
any legislation thereafter requiring the appointment of a general medical
practitioner as Proper Officer.
- b) The Medical Advisor to the Council on matters relating to environmental
health.
- c) Public Health (Control of Disease) Act 1984 – Sections 20, 21, 24, 29,
31, 32, 35, 36, 40, 43 and 48.
- d) Section 234 (1) of the Local Government Act 1972 for the purpose of
signing on behalf of the Council any Notice, Order or other document
relating to the functions undertaken on behalf of the Council, including
any function the exercise of which has been delegated.

Strategic Finance Lead

To act in relation to Sections 115(2), 146(1), 151 and Schedule 25 Para 6 of the Local Government Act, 1972 in the absence or inability to act of Director with responsibility for finance or the Assistant Director **responsible for** Commercial and Business Strategy.

Council
16 May 2018

REPORT ON SPECIAL URGENCY PROVISIONS 2017/2018

Councillor N Blake

Leader of the Council

1. Purpose/Recommendation

- 1.1. To note the position, as set out below, concerning items dealt with under the special urgency rules in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations, 2012, or in accordance with the Council's Constitution during the financial year 2017/2018.

2 Supporting Information

- 2.1 The above Regulations specify procedures and timescales that have to be followed concerning public access to meetings and documents where a local authority executive, committee or individual is taking an executive decision.
- 2.2 Ordinarily, a specified period of notice of such meetings/items must be given as set out in the Regulations. However, provision is made within the Regulations to enable the consideration of items concerning which it is not possible to give the requisite notice. In particular, the special urgency provisions enable a key decision to be taken which is urgent where consent has been obtained from the relevant Scrutiny Committee Chairman.
- 2.3 It is a legislative requirement that Council be advised annually of the number of cases dealt with under the special urgency provisions. There was one such decision taken this year relating to the funding of infrastructure provision at the Silverstone Enterprise Zone. The request was received after the Cabinet agenda had been despatched and a decision was required within a very short time scale. The request was approved.
- 2.4 The Council's Constitution makes provision for items to be dealt as a matter of urgency, excluding call-in. Such arrangements have to be agreed by the relevant Scrutiny Committee Chairman. Again, it is a requirement that these actions are reported annually to full Council.
- 2.5 There have been two occasions this year when it has been necessary to waive the call-in provisions as follows:-
- A Cabinet Member decision relating to the write off of bad debts which needed to be dealt with before the end of the accounting year. (Agreed by the Chairman of the Finance and Services Scrutiny Committee)
 - A Cabinet decision concerning the Council's response to route options for the Oxford/MK/Cambridge Expressway. This was the subject of two seminars for all Members of the Council. The timescale for the submission of a response precluded the usual call-in provisions. (Agreed by the Chairman of the Environment and Living Scrutiny Committee).

3. Options Considered/Reasons for Recommendations

- 3.1 None. It is a legislative requirement that any decisions dealt with under the special urgency provisions of the above Regulations are reported annually to Council. The

Constitution requires that urgent items that preclude call-in should also be reported to Council

4. Resource Implications

None as such.

Contact Officer: Bill Ashton (01296) 585040

Background documents: None

Council
16 May 2018

ANNUAL SCRUTINY REPORT 2017-18

1 Purpose

- 1.1 To submit the Annual Scrutiny Report 2017-18 of the Scrutiny Committees to the Council, as required by Article 6 of the Council's constitution.

2 Recommendations/for decision

- | |
|---|
| 2.1 That the Annual Scrutiny Report 2017-18 be noted. |
|---|

3 Supporting information

- 3.1 This annual report provides Members with an overview of the work carried out over the last twelve months by the Council's scrutiny committees, and provides a brief summary of the further challenges and opportunities for scrutiny looking forward to 2018-19.
- 3.2 It is intended to use the report to generate greater public interest and engagement in the overview and scrutiny process. A copy of the final report will be emailed to all Parishes and will also be available on the Council's website.
- 3.3 In accordance with the constitutional changes agreed at the full Council meeting on 23 February, 2011, the annual scrutiny report has been agreed by the Chairmen of the four Scrutiny Committees.

Contact Officer
Background Documents

Craig Saunders (01296) 585043
None



Overview and Scrutiny Annual Report 2017/2018



Introduction

The Council's overview and scrutiny role allows Councillors to look closely at services and issues which affect the lives of local people – usually with a view to improving them. It's more commonly referred to simply as scrutiny.

Each year the Council produces a Scrutiny Annual Report which provides an account of the work carried out as part of the Council's overview and scrutiny arrangements.

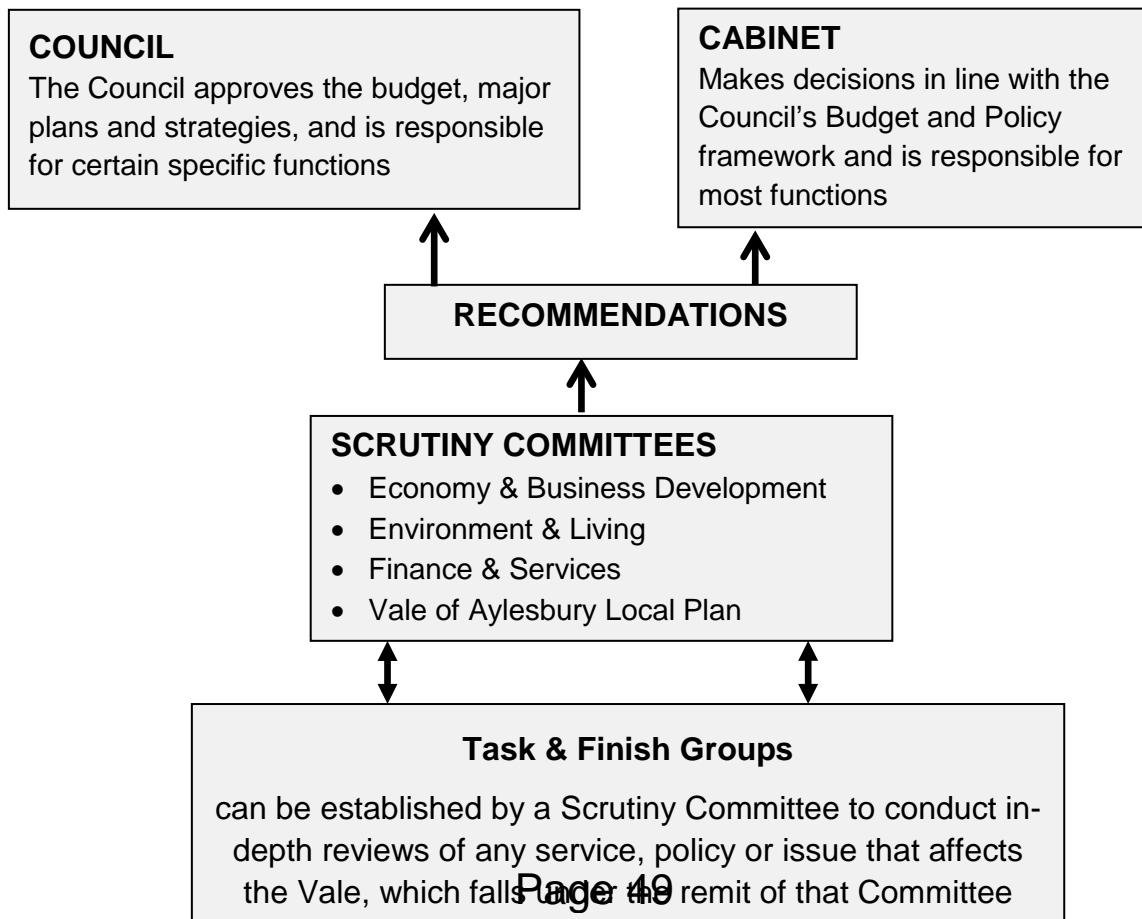
This provides an excellent opportunity for members of the public to see easily what Council functions and activities have been scrutinised over the past year and what may be looked at during the next year. There is also a form at the back of the report which can be used to allow people to raise issues which Scrutiny Committees may wish to investigate in the future.

What is Overview and Scrutiny?

All non-Executive councillors are eligible to participate in the work of scrutiny to review, support and improve Council services and to consider wider issues affecting the people of Aylesbury Vale.

The Council has four overview and scrutiny committees that consider new policies that are being developed, existing policies to see how well they are working and performance information to check that the Council is meeting the standards that have been set.

Each of these committees is also able to establish time-limited Task and Finish Group reviews that focus on a particular issue and consider it in greater detail than is possible at Committee. This usually happens at a number of meetings held over a 6-7 months period.



Membership of the Scrutiny Committees

Economy and Business Development Scrutiny Committee

The role of the Economy and Business Development Scrutiny Committee is to grow the economy by attracting new businesses to the Vale, improving the infrastructure of the Vale and delivering town centre projects.

Chairman
Councillor Peter
Strachan



Vice Chairman
Councillor Cameron
Branston



Membership: Councillors Brian Adams, Jenny Bloom, Anders Christensen, Michael Collins, Mike Hawkett, Tom Hunter Watts, Paul Irwin, Chris Poll and Warren Whyte.

Statistics: information on attendance at meetings (including temporary changes), previous agendas/minutes and temporary changes is accessible on the Council's website at <http://democracy.aylesburyvaledc.gov.uk/mgCommitteeDetails.aspx?ID=139>

Future meetings: 23 May 2018, 12 September 2018 and 12 October 2018

Environment and Living Scrutiny Committee

The role of the Environment and Living Scrutiny Committee is to protect and improve the living experience in the Vale by enhancing our natural and built environment, building better communities and improving our towns.

Chairman
Councillor Mark Winn



Vice Chairman
Councillor Sandra
Jenkins



Membership: Councillors Mark Bateman, Sue Chapple, Andrew Cole, Simon Cole, Peter Cooper, Ben Everitt, Brian Foster, Tom Hunter-Watts and Roger King.

Statistics: information on attendance at meetings (including temporary changes), previous agendas/minutes and temporary changes is accessible on the Council's website at <http://democracy.aylesburyvaledc.gov.uk/mgCommitteeDetails.aspx?ID=141>

Future meetings 22 May 2018, 25 September 2018 and 19 December 2018

Finance and Services Scrutiny Committee

The role of the Finance and Services Scrutiny Committee is to deliver efficient and economic services by improving our services, generating more income and reducing costs.

Chairman
Councillor Michael
Rand



Vice Chairman
Councillor Ben Everitt



Membership: Councillors Jenny Bloom, John Chilver, Steven Lambert, Richard Newcombe, Edward Sims (until 6/2/2018), Mike Smith, Mary Stamp, Robin Stuchbury and Mark Winn.

Statistics: information on attendance at meetings (including temporary changes), previous agendas/minutes and temporary changes is accessible on the Council's website at <http://democracy.aylesburyvaldc.gov.uk/mgCommitteeDetails.aspx?ID=143>

Future meetings: 9 July 2018, 15 October 2018 and 17 December 2018

Vale of Aylesbury Local Plan Scrutiny Committee

The role of the Vale of Aylesbury Local Plan Scrutiny Committee is to undertake the overview and scrutiny function in relation to the plans, schemes, statements and documents which together comprise the Vale of Aylesbury Local Plan

Chairman
Councillor Chris Poll



Vice Chairman
Councillor Andrew
Cole



Membership: Councillors Brian Adams, Michael Collins, Michael Edmonds, Sandra Jenkins and Llew Monger.

Statistics: information on attendance at meetings (including temporary changes), previous agendas/minutes and temporary changes is accessible on the Council's website at <http://democracy.aylesburyvaldc.gov.uk/mgCommitteeDetails.aspx?ID=177>

Future meetings: To be advised

Key scrutiny work undertaken during 2017/18

The work of overview and scrutiny during 2017/18 has considered some of the following issues and themes:-

Overarching (all Committees)

- **Working with external partners and local communities** – During the year, a range of organisations and individuals from outside the Council have assisted scrutiny work, including the County Council, the Vale of Aylesbury Housing Trust, Buckinghamshire Advantage and Aylesbury Vale Estates.
- **Working with the Cabinet / Cabinet Members** – Cabinet Members have continued to be actively involved with scrutiny review work and ensured that the good scrutiny/Cabinet relationship has developed and strengthened.

Economy and Business Development Scrutiny Committee

- Aylesbury Vale Enterprise Zones
- Aylesbury Vale Estates – review of performance against 2016-17 Business Plan
- Strategic Economic Plans and Skills Strategy / Buckinghamshire Skills Strategy
- Connected Counties Broadband Update
- National Infrastructure Commission
- Aylesbury Vale Estates Business Plan 2017/18
- Aylesbury Town Centre Plan Update

Environment and Living Scrutiny Committee

- Vale of Aylesbury Housing Trust – Annual Update
- Sustainable Travel Plan; Emissions Reductions report
- Home Energy Conservation Act (HECA) report; Local Climate Impacts
- Inspection of Residential Buildings in the Vale to review Fire Safety
- Food Service Plan 2017-18
- Air Quality Management Areas
- Ecology Update
- Taxi Licensing Fees Review
- Development Management Service and Enforcement
- Community Safety Plan 2018/19 – Action Plan
- MRF Contract for Mixed Recycling

Finance and Services Scrutiny Committee

- **Corporate Health and Safety Policy / Strategy**
- Housing Benefits – Risk Based Verification policy
- Treasury Management 2016-17 Year End and 2017-18 Mid Year Review
- Business Rates – Discretionary Relief Scheme 2017
- Commercial Property Investment Strategy
- Leisure Management Contract review
- Budget Planning 2018-19
- Budget Scrutiny / in-year monitoring of the Council's financial performance
- Connected Knowledge Investment Proposal
- Capital Programme Review
- Public Sector Equality Duty
- Contract Management / Procurement report

Vale of Aylesbury Local Plan (VALP) Scrutiny Committee

- VALP Update (as the plan was developing)
- Proposed Submission draft Vale of Aylesbury Local Plan (Regulation 19)

How is AVDC changing?

AVDC is changing as like all local authorities the Council is facing huge funding cuts from central government. The money received from Council tax bills and central government grants is reducing to such an extent that from 2018/19 the Council will effectively not receive any Government Revenue Support grant towards the costs of services residents receive. This is an £8m shortfall since 2010.

To meet this challenge the Council has implemented new ways of working and re-structured the workforce to ensure that it is more commercial focussed. It has also reviewed every aspect of every service to find more cost effective ways of operating them, as well as looking for more business opportunities. While £16m has been saved in the last 7 years through both efficiencies and new income streams, further savings/income still need to be found. This will all be accompanied by change and it is likely that AVDC will have to stop some services and introduce new ones.

More information on the Changes to the way we work, charges introduced for some services, some services that have been stopped and changes the Council has already made are detailed on the website at <https://www.aylesburyvaledc.gov.uk/how-avdc-changing>

What are our challenges for 2018/19?

Future Challenges and Opportunities

- Making sure that our work reflects concerns of service users, community and public – consulting with a wide range of organisations, partners and the public for suggestions for scrutiny review and then on the actual work programme.
- Monitoring Council performance and recommending action for improvement.
- Supporting efforts to develop and introduce new ways of working which improve the bottom line financial performance of the Council.
- Continuing to ensure best use is made of taxpayers' money, and the Council's assets.
- Monitoring what has happened as a result of scrutiny work.
- Working with our partners at the County Council, neighbouring councils, Town/Parish Councils and external organisations to improve service delivery.
- Raising the profile of scrutiny within the wider community.
- Developing our links with the community.

What do people think are the issues emerging nationally and locally likely to affect Aylesbury Vale?

Do current policies meet your needs or is there room for improvement?

Let us know about issues that the Scrutiny Committees may wish to investigate in the future by returning the Get Involved 'Have Your Say': Suggestions for Scrutiny form on page 9.

Overview and Scrutiny on the web

Overview and Scrutiny has a dedicated section on the Council's website and can be found at <https://www.aylesburyvaledc.gov.uk/section/scrutiny>

This website provides up-to-date information on overview and scrutiny at AVDC.

The screenshot shows the website's navigation bar with the council logo, 'Pay Apply Report' links, and a search box. Below the navigation are three main menu items: 'Living in Aylesbury Vale', 'Working and Business', and 'Your Council'. The breadcrumb trail reads 'Your Council > Councillors, meetings and elections > Scrutiny'. The main heading is 'Scrutiny'. Underneath, there is a section 'What does a scrutiny committee do?' with a bulleted list: 'holds the cabinet to account', 'monitors and reviews policies', and 'reviews council services to obtain better outcomes for the community'. This is followed by a paragraph stating that meetings are open to the public and a link to a suggestion form. The next section is 'Scrutiny committee reviews', explaining that committees undertake in-depth and one-off reviews. It notes that at the end of a review, the chairman presents recommendations to the cabinet. The 'The 'call in' procedure' section explains that a committee can 'call in' a decision for review and that urgent decisions cannot be called in. Finally, 'Other information' includes links to the 'Scrutiny annual report 2014-15' and the 'Scrutiny suggestion form'. At the bottom, there are two circular icons with speech bubbles: one labeled 'Councillor Call for Action' and another labeled 'The scrutiny committees'.

Get Involved – Have your say

Scrutiny Suggestion form

The Scrutiny Committees would welcome suggestions from members of the public, businesses or other organisations who wish to put forward issues which they feel could warrant review.

Your Subject

Please tell us about the subject you would like the Scrutiny Committees to review by either completing the form below or by visiting the website at:
www.aylesburyvaledc.gov.uk

Suggested topic:

Why do you feel the topic should be reviewed?

Have you contacted Aylesbury Vale District Council about this issue in the past? (Please give details)

Name:

Address

Postcode:

Telephone Number:

Email address:

Organisation:

(where appropriate)

Thank you for completing the form. We'll acknowledge receipt of your suggestion and let you know what happens next. Unfortunately we're not always able to review topics suggested.

Please return to: Democratic Services, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF (admin@aylesburyvaledc.gov.uk)

Contact Us

Telephone: 01296 585043
Text Relay: Please prefix your telephone number with 18001

Email: admin@aylesburyvaledc.gov.uk

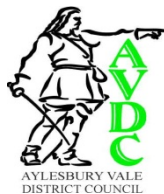
Address: Democratic Services
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
HP19 8FF

Web: www.aylesburyvaledc.gov.uk/section/scrutiny

**If you want to know more about overview and scrutiny at AVDC
then please feel free to contact Democratic Services**

This document can be made available in other formats. For more information please telephone (01296) 585043

To be published in mid 2018 (subject to Council approval)



Democratic Services
AYLESBURY VALE DISTRICT COUNCIL
The Gateway Gatehouse Road Aylesbury Bucks HP19 8FF
Tel: (01296) 585043 Text Relay: prefix your telephone number with 18001
Email: admin@aylesburyvaledc.gov.uk www.aylesburyvaledc.gov.uk

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Council
16 May 2018

ANNUAL REPORT FROM THE CHAIRMAN OF THE STANDARDS COMMITTEE 2017/18

Councillor Mordue

Chairman of the Standards Committee

1. Purpose

- 1.1. To present the Annual Report on the work of the Standards Committee during 2017/2018.

2. Recommendation

- 2.1 Council is invited to note the report attached as an Appendix.

3 Supporting Information

- 3.1 Although there is no legislative requirement for the Standards Committee to produce an Annual Report, doing so is recognised as good practice. The publication of the report promotes transparency and high ethical standards and keeps the wider Council membership informed of issues addressed during the course of the year.
- 3.2 Following submission of the Report to Council, a copy will be posted on the Council's website.

Contact officer: Ifty Ali (Lead Legal and Monitoring Officer) (01296) 585032

Background documents: None

**AYLESBURY VALE DISTRICT COUNCIL STANDARDS COMMITTEE
ANNUAL REPORT 2017/2018**

1. Background

- 1.1 The current standards regime was introduced by the Localism Act, 2011, and this Council's Code of Conduct was adopted in July, 2012.
- 1.2 Under the current regime, Parish/Town Councils have the option of either adopting their own Code of Conduct, based on the model developed by the National Association of Local Councils (NALC), or adopting AVDC's Code. Some have adopted this Council's Code and others the NALC Code.
- 1.3 The Council is no longer statutorily required to have a Standards Committee, but it decided that it should continue to do so in the interests of promoting transparency and high ethical standards in local governance.
- 1.4 The Standards Committee comprises 7 elected Members and is politically balanced according to the political parties represented on the Council. There are two Parish representatives nominated by the Aylesbury Vale Association of Local Councils (AVALC) to ensure that the interests of Parish/Town Councils are properly taken into account in the decision making process when dealing with complaints against Town/Parish Councillors.
- 1.5 The Localism Act requires the appointment of at least one Independent Person, but AVDC was in the fortunate position to have three high calibre candidates and it was decided to appoint all three. One of the Independent Persons subsequently resigned as he moved away from The District. The Lead Legal and Monitoring Officer was satisfied that this would not have any significant effect on the work of the Committee and the Chairman of the Standards Committee concurred with this view. The remaining Independent Persons' terms of office came to an end last year and full Council agreed on 22 February, 2017, that the two remaining post holders should be invited to serve for a further term. It was felt that this would ensure consistency of approach to the decision making process, enable the Council to take advantage of the expertise already built up and save the need to proceed with what would otherwise be an expensive recruitment exercise.
- 1.6 The Parish representatives and the Independent Persons are invited to attend every meeting of the Standards Committee in an advisory capacity.
- 1.7 This report relates to the period May, 2017 to April 2018.

2. Standards Activity

- 2.1 Since June, 2017, the Lead Legal and Monitoring Officer has received 8 complaints relating to alleged breaches of the Code of Conduct by Town/Parish Councillors. In 6 of the cases it was decided that they did not warrant further investigation at Stage 2, this being the initial Assessment Panel. The remaining 2 cases are still awaiting a decision at Stage 2. There have been 6 complaints received against District Councillors, 5 of which related to the same individual. This was the subject of a

stage two hearing at which it was decided that there had been a breach of the Code of Conduct, but that there should be no action taken. It had been felt that there would be little purpose in referring the matter for formal investigation as it was difficult to see how a different conclusion would be reached. The remaining complaint against a District Councillor is still pending a Stage 2 investigation by the Initial Assessment Panel.

- 2.2 Standards decisions are publicly accessible on the Council's web site and can be viewed using the following link:-

<http://democracy.aylesburyvaledc.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13294>

- 2.3 The complaints against one District Councillor in particular gave rise to comment in the local press and social media and demonstrated that there was still uncertainty around Members' understanding of the provisions of the Code of Conduct. The Chief Executive felt that this was an opportune time to initiate a programme of refresher training for all Members of the Council and three interactive sessions were held, which were welcomed by Members, a number of whom were very complimentary about the content and presentations. A total of 38 Members attended one of the events.

- 2.4 It was commented during the training sessions that the existing Code of Conduct and the Registers of Interest could perhaps be simplified to assist Members' understanding and the Lead Legal and Monitoring Officer gave an undertaking to look at this with a view to a report being submitted to the Standards Committee. This work has started and will result in a report being submitted to the Standards Committee in due course.

- 2.5 Coincidentally, at the same time as the training sessions were being held, the Council was notified that the Parliamentary Committee on Standards in Public Life was undertaking a review of local government ethical standards and had commenced a consultation on this subject. The consultation was based upon a number of questions around ethical standards and associated issues. All Members of the Council were sent a copy of the consultation document and invited to provide input to the Council's corporate response. A number of Members did so and their comments will be included in the overall response. In one case, as the Member concerned had responded in detail to each of the questions posed, it was agreed with the individual that this response should be sent separately.

- 2.6 In the main, the comments received related to the inadequacy of the sanctions available and the inconsistency of application, the need for simplicity of language in documentation relating to ethics and standards, and the need for consideration to be given to compulsory training within a specified period of taking up office.

3. Conclusions

- 3.1 On the whole elected representatives within the Vale take the need to maintain high ethical standards seriously, but as recent events have proved, there is confusion around statutory and non statutory interests. The Standards Committee will be examining ways and means to improve clarity and understanding.

Councillor Howard Mordue
(Chairman of the Standards Committee)

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