

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the **GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE (CDC)** held on **12 APRIL 2017**

PRESENT: Councillor E A Walsh - Chairman

Councillors: I A Darby
A J Garth
P M Jones
N M Rose
M J Stannard
D M Varley
D J Bray

APOLOGIES FOR ABSENCE were received from Councillors J A Burton, M W Shaw and H M Wallace.

ALSO IN ATTENDANCE: Councillors D W Phillips.

38 DECLARATIONS OF INTEREST

There were no declarations of interest.

39 MINUTES

The Minutes of the meeting of Governance and Electoral Arrangements Committee held on 22 February 2017 were agreed by the Committee and signed by the Chairman as a correct record.

40 REVIEW OF THE COUNCIL'S CONSTITUTION

In accordance with the agreed work plan, the Committee reviewed the Scheme of Delegations to Officers and a draft glossary of terms used in the Constitution. The proposed changes were detailed in each appendix as track changes. It was noted that throughout the Constitution, where the Cabinet had been previously referred to as "Executive", this had been amended to Cabinet.

PART 7 Scheme of Delegations to Officers

It was noted that Part 7 Section B contained a general introduction to the Scheme of Delegations to Officers together with details of the delegations to individual named officers. In the methodology, individual delegations are identified as being from either the Council or the Cabinet. The executive delegations would need to be

approved separately by Cabinet and an identical report would go to the meeting of Cabinet on 27 June for approval.

Methodology, General Limitations and General Powers

The Committee noted that this section had been updated to reflect the new joint senior management structure and the delegation numbers themselves will be consecutive and updated after the Committee agrees the detailed delegations to named officers. The General Limitations in paragraph 2 will apply to all delegations and require officers to exercise their powers strictly in accordance with approved council policies, procedures and budgetary provisions. If a delegated decision would be contrary to adopted policies and procedure rules (including for example Contract and Financial Procedure Rules) or outside approved budgets, officers must refer the decision to the Cabinet or the relevant Committee as appropriate.

The General Powers in paragraph 3 had been amended to include powers required for the day to day running of service areas and avoid duplication of certain delegations under each of the named officers. Again, the exercise of these powers must be in accordance with the Council's adopted policies and procedures and any specific conditions listed in the individual delegations.

The Committee proposed additional amendments to wording in subsections 5 and 7 to make clear the point at which Members are consulted when expenditure exceeded or fell short of the figures stated. Subsection 10 was to be amended to state that works on the Council's land would be in consultation with the relevant Cabinet and Local Members.

Detailed Delegations to Named Officers

The detailed delegations were listed by officer and covered each area of responsibility where officers are authorised to exercise delegated powers together with any conditions for exercising that power. To avoid the scheme becoming out of date when legislation changes, some powers had been delegated within overall functional descriptions where this was legally permissible. Elsewhere, it remained necessary to be specific about statutory provisions, for example, in respect of planning and licensing functions.

It was noted that officers would also be expected to consider in what circumstances it might be appropriate to consult Members such as the relevant Cabinet portfolio holder, Committee Chairman or Local Members before taking a decision. If such a Member objects to the proposed decision, the matter must be reported to the Cabinet or relevant decision-making body for consideration unless there is a specific provision for dealing with objections within a particular delegation. Furthermore, the Cabinet or relevant Cabinet Member may reserve a decision about a particular matter to them or require that an officer refrains from exercising delegated authority.

The Head of Legal and Democratic Services asked the Committee to consider whether to continue the current arrangement for Appeals and Complaints Committee to consider appeals against officer decisions on homelessness applications. This was

not a statutory requirement and the process was time consuming. Further, it was noted that at South Bucks District Council (SBDC), these appeals were considered by a senior officer. Following some discussion, Members agreed to retain the current arrangements for hearing homeless persons appeals, so that applicants had the benefit of an independent review.

It was noted that new delegations with regards to the neighbourhood plans were to be completed in consultation with the Chairman of the Governance and Electoral Arrangements Committee.

Delegations to External Bodies/Persons and the Proper Officer

These delegations mainly dealt with functions in respect of communicable diseases (which are now the responsibility of Bucks CC) and where statutes required a proper officer to be designated to act on behalf of the Council. It was noted these had been updated to reflect the current legislative position.

Glossary of Terms

A proposed glossary of terms used in the Constitution for insertion at as a new Part 10 was approved.

It was noted that Councillor A Garth entered the meeting at 6:38pm and Councillor Bray exited the meeting at 7:39pm.

Members thanked the Head of Legal and Democratic Services for the work completed on the review of the Council's Constitution.

RESOLVED

That subject to amendments agreed by the Committee that the proposed changes to the following Appendices 1 to 4, be approved:

- 1. Scheme of Delegations to Officers - Note on Methodology, General Limitations and General Powers at Appendix 1;**
- 2. Delegations to Named Officers at Appendix 2;**
- 3. Delegations to External Bodies/Persons and the Proper Officer at Appendix 3; and**
- 4. Proposed Glossary of Terms at Appendix 4.**

41 REVIEW OF JOINT APPOINTMENTS AND IMPLEMENTATION COMMITTEE AND PERSONNEL COMMITTEE

The report considered a proposal to replace the existing Joint Appointments and Implementation Committee (JAIC) and Personnel Committees at both Chiltern and South Bucks District Councils with a Joint Staffing Committee (JSC), subject to agreement of both Councils. The terms of reference for the proposed Joint Staffing Committee were set out in Appendix A. The two main functions of the JSC would be to appoint the Senior Management Team, and to oversee the joint work force in

respect of policies and procedures at the Councils. Two Sub Committees were to be established to deal with residual employment functions specific to the respective Councils and not delegated to officers.

Members recommended that the resolution state clearly that the JSC would supersede JAIC and the Personnel Committees, if all are disbanded.

RESOLVED:

That subject to Member amendments and the agreement of South Bucks District Council, be approved:

- 1. That pursuant to section 102 of the Local Government Act 1972 the Council agrees to establish a Joint Staffing Committee with South Bucks District Council with authority to exercise the Council's employment functions as set out in the terms of reference at Appendix A to this report;**
- 2. That the rules of procedure for the Joint Staffing Committee be agreed as set out in Appendix A;**
- 3. That the Joint Staffing Committee replaces and supersedes JAIC which is dissolved and the Inter Authority Agreement between the Councils be amended accordingly;**
- 4. That if a Joint Staffing Committee is established to also appoint a Sub Committee comprising the members of each respective Council on the Joint Staffing Committee to discharge employment functions specific to each Council and which are not delegated to officers; and**
- 5. The Council's Constitution be amended to reflect these changes.**

The meeting ended at 7.51 pm