

Council



Listening Learning Leading

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Date: 6 December 2017

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Summons to attend a meeting of Council

to be held on

THURSDAY 14 DECEMBER 2017 AT 6.00 PM

at

**THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD**

Alternative formats of this publication are available on request. These include large print, Braille, audio cassette or CD, and email. For this or any other special requirements (such as access facilities) please contact the officer named on this agenda. Please give as much notice as possible before the meeting

MARGARET REED
Head of Legal and Democratic Services

Note: Please remember to sign the attendance register.

Agenda

Map

A map showing the location of Howbery Park is attached, as is a plan showing the location of the Fountain Conference Centre on the Howbery Park site.

1 Apologies for absence

To record apologies for absence.

2 Minutes (Pages 9 - 28)

To adopt and sign as a correct record the Council minutes of the special meetings held on 28 September and 23 November 2017 and the meeting held on 12 October 2017.

3 Declarations of disclosable pecuniary interest

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

4 Urgent business and chairman's announcements

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

5 Public participation

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

6 Petitions

To receive any petitions from the public.

7 Council tax base 2018/19

Cabinet, at its meeting on 7 December 2017, will consider a report on the council tax base for 2018/19.

The report of the head of finance, which Cabinet will consider on 7 December, was circulated to all councillors with the Cabinet agenda.

The recommendations of Cabinet will be circulated to all councillors.

8 Community governance reviews (Pages 29 - 32)

At its meeting on 30 October 2017 the Community Governance and Electoral Issues Committee considered a report on a suggested timetable and process for future community governance reviews. The report of the head of legal and democratic services is **attached**.

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

“To recommend that Council rescinds its resolution agreed on 17 July 2014 that a significant development proposal that sits adjacent to or straddles a parish boundary should automatically trigger a community governance review, such a review to take place on the inclusion of a site in a document that forms part of the approved Local Plan or when planning permission has been granted for the development of the site”.

Council is invited to consider the committee’s recommendation.

9 Review of the council's constitution (Pages 33 - 40)

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

10 Report of the leader of the council

To receive any updates from the leader of the council.

11 Questions on notice

To receive the following question in accordance with Council procedure rule 33.

Question from Councillor Mocky Khan to the Leader of the council, Councillor John Cotton:

"Please can the Leader explain the recruitment process for selecting the Chair of the Didcot Garden Town Management Board? Was it flawed given that Elizabeth Paris has decided not to take up the post, and what is going to happen now?"

12 Motions on notice

No motions were submitted in accordance with Council procedure rule 38.

13 Exclusion of the public

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

(i) it involves the likely disclosure of exempt information as defined in paragraphs

- 1, 2 and 3 Part 1 of Schedule 12A of the Act, and
(ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14 Minutes

To adopt and sign as a correct record the confidential Council minutes of the meeting held on 12 October 2017 and special meeting held on 23 November 2017.

15 Staffing matters

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

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

16 Corporate services contract

At its meeting on 7 December 2017 Cabinet will consider the report of the head of devolution and government and head of legal and democratic services on the corporate services contract – circulated to all councillors electronically.

The recommendations of Cabinet will be circulated to all councillors.

17 Management restructure

At its meeting on 7 December 2017 Cabinet will consider a report on the management restructure - circulated to all councillors electronically.

The recommendations of Cabinet will be circulated to all councillors.

MARGARET REED

Head of Legal and Democratic Services



Birmingham airport


B4009 Watlington
M40 J6

A4074 Oxford


A4130 Didcot




Sat Nav: OX10 8BA

Brightwell

Benson


Wallingford

Centre for Ecology & Hydrology
South Oxfordshire District Council

Crowmarsh Gifford

A4130 Henley
M40 J4 

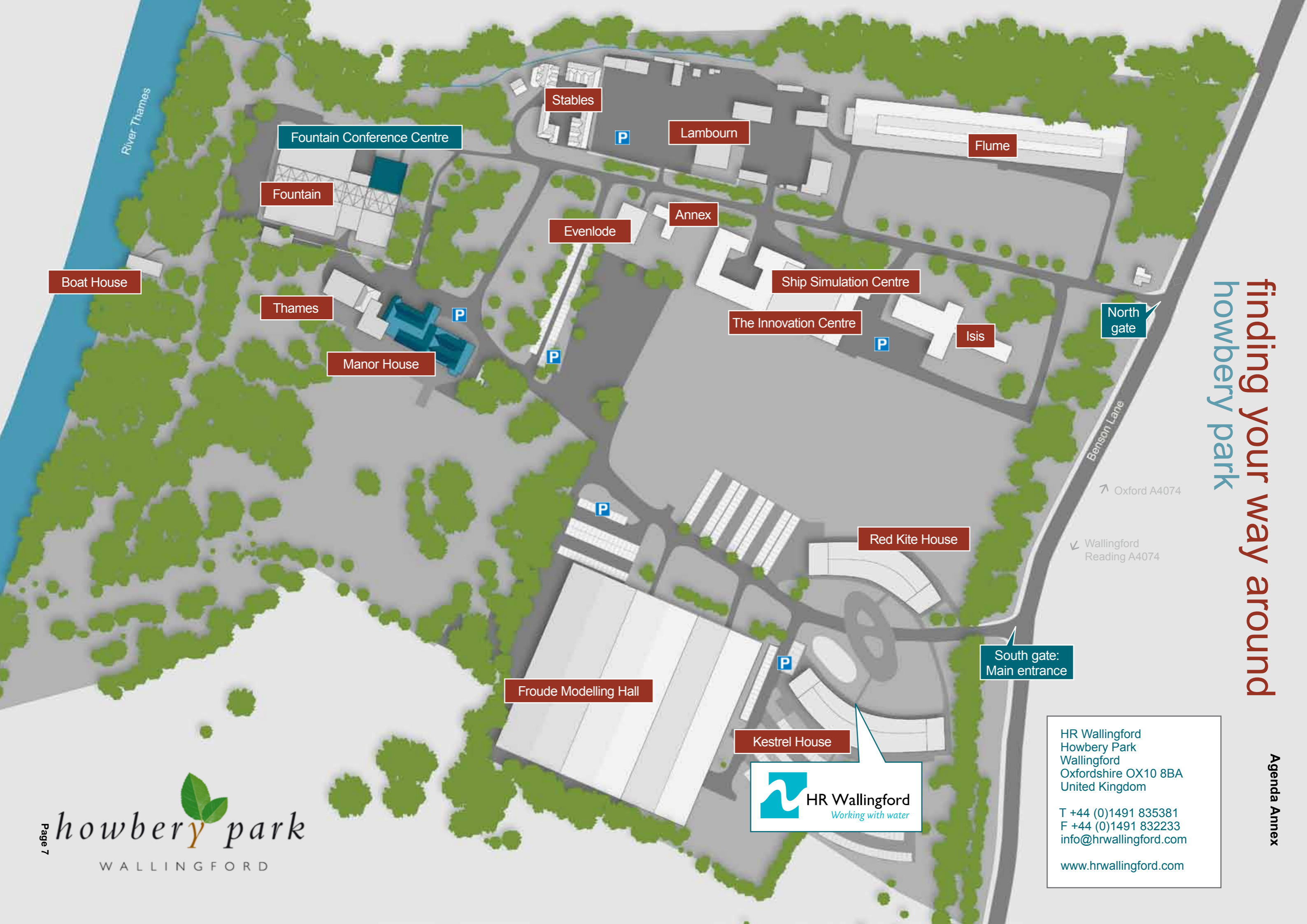
A4074 Reading


London Heathrow


Agenda Annex

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finding your way around
howbery park



North gate

South gate:
Main entrance

↑ Oxford A4074

↓ Wallingford Reading A4074

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Minutes

OF A SPECIAL MEETING OF

Council



Listening Learning Leading

HELD AT 6.00 PM ON THURSDAY 28 SEPTEMBER 2017

THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD

Present

Jeannette Matelot (Chairman)

Anna Badcock, Charles Bailey, Joan Bland, Felix Bloomfield, Kevin Bulmer, John Cotton, Anthony Dearlove, Stefan Gawrysiak, Elizabeth Gillespie, Will Hall, Tony Harbour, Paul Harrison, Lorraine Hillier, Elaine Hornsby, Sue Lawson, Mocky Khan, Imran Lokhon, Jane Murphy, Anthony Nash, Caroline Newton, Toby Newman, Richard Pullen, Robert Simister, Ian Snowdon, Alan Thompson, David Turner and John Walsh

Apologies:

Apologies for absence were submitted on behalf of Nigel Champken-Woods, Pat Dawe, David Dodds, Lynn Lloyd, David Nimmo-Smith, Bill Service and Ian White

Officers:

Steven Corrigan, Adrian Duffield, Hannah Guest, Margaret Reed and Mark Stone

27 Declarations of disclosable pecuniary interest

Councillor Turner made a statement that he is a member of the Culham Local Liaison Committee.

As this is not a disclosable pecuniary interest Councillor Turner was able to take part in the discussion and voting on the Local Plan.

28 Urgent business and chairman's announcements

There were no urgent items.

On behalf of the council, the Chairman welcomed new councillor Caroline Newton to the council following her election as the ward councillor for Haseley Brook.

The chairman agreed, in accordance with provisions in council procedure rule 44, to allow councilors to speak for longer than five minutes. Council agreed to suspend council procedure rule 45 insofar as it limits councillors to speaking once.

29 Public participation

A list providing details of the members of the public who had registered to address Council was tabled at the meeting.

30 South Oxfordshire Local Plan - Publication

During the course of debate on this item, Council agreed, prior to the expiry of two and a half hours, in accordance with council procedure rule 12, to extend the duration of the meeting by half an hour. Prior to the expiry of the three hour period Council agreed, in accordance with council procedure rule 82, to suspend council procedure rule 12, which restricts the duration of a meeting to three hours, to allow Council to complete the business.

Michael Tyce, representing the Campaign to Protect Rural England, addressed Council. He stated that the allocation of homes to meet Oxford City's unmet housing need is unsound and that the housing numbers are based on anticipated growth rather than an assessment of genuine housing need and are therefore unsound and in excess of the government's recently published revised housing numbers. The proposed housing sites in Culham and Wheatley are both in the Green Belt.

Peter Kirby, a resident of Culham, addressed Council regarding the site allocation at Culham. He questioned the long-term employment opportunities offered by Culham Science Centre which, in his view, would become a small industrial estate. The new development, in prime Green Belt, would become a 'dormitory' town for London commuters.

Sam Casey-Rerhaye, representing Culham Parish Council, addressed Council regarding the site allocation at Culham. She expressed the view that in light of the government's published revised housing figures the Culham site is no longer required. He questioned the identification of Culham Railway Station as a sustainable transport option because of the infrequent service and did not believe the science centre would offer the anticipated employment opportunities.

Caroline Baird, representing Save Culham Green Belt, addressed Council regarding the site allocation at Culham. She also questioned the long term employment opportunities offered by the science park as fusion research withdrew from the site. Because of the government's revised housing figures the site is not required. The site is within the Green Belt, surrounded by flood plan and lacks the necessary transport infrastructure.

Ann Pritchard, representing Chalgrove Parish Council, addressed Council regarding the site allocation at Chalgrove airfield. The proposed development is unsustainable, would generate a significant increase in traffic through Chalgrove and is not deliverable because there is no agreement to sell the site.

Ian Goldsmith, representing Cuxham with Easington Parish Council, addressed Council regarding the site allocation at Chalgrove airfield. The road through Cuxham is narrow and the increase in traffic generated by the development would constitute a

danger to residents whose houses fronted onto the narrow roads in the village, pedestrians and cyclists and would damage the environment and the listed buildings in the village.

Paul Boone, representing Chalgrove SHIELD, addressed Council regarding the site allocation at Chalgrove airfield. The Homes and Community Agency (HCA) proposal is flawed. The proposal is based on assumptions rather than facts - the site cannot be developed without the support of the current tenant and the business park will not provide jobs for the new residents.

Christian Leigh, representing residents of the Rofford estate, addressed Council regarding the site allocation at Chalgrove airfield. He questioned whether agreement had been reached with the site owner, stated that the HCA offer had been rejected and questioned whether the proposed housing could be delivered. The airfield is still used by RAF Benson as a diversion and potential crash landing site.

John Alexander, a resident of Great Haseley, addressed Council regarding the site allocation at Chalgrove airfield. He stated that no agreement had been reached with the owner of the site and that the site was undeliverable. Oxford City's unmet housing need should be addressed by allocating land in and around Oxford and not on a greenfield site.

Council considered Cabinet's recommendations, made at its meeting on 21 September 2017, on the Local Plan to 2033. An addendum was circulated prior to the meeting, and is available as an addendum to the Council agenda, setting out a number of amendments to the proposed Local Plan to provide clarification regarding the potential of development being delivered on land adjacent the Culham Science Centre in advance of the planned transport infrastructure.

Councillor Cotton moved and Councillor Bloomfield seconded Cabinet's recommendations with the addition of the following to address the Department for Communities and Local Government consultation document "Planning for the right homes in the right places" which could impact on the housing requirement for South Oxfordshire.

"If, in the opinion of the head of planning in consultation with the Cabinet member for the Local Plan, national planning guidance or policy is changed in such a way as to negatively impact the deliver-ability of the Local Plan, the head of planning is requested to bring the Plan back to Cabinet and Council."

Councillor Cotton, Leader of the council and Cabinet member for strategic policy (including the local plan), referred to the difficulties the council had experienced without a five-year housing land supply which had resulted in speculative planning applications and development proposals being granted on appeal. He thanked officers for their work on the Local Plan and believed the Local Plan provided sufficient site allocations for the duration of the plan, provided a reasonable contribution towards Oxford City's unmet housing need and supported neighbourhood plans. He noted that the recent government consultation suggested lower housing numbers required for South Oxfordshire. However, the council should plan for higher housing numbers to provide a buffer against a recurrence of the situation currently faced by the council.

Councillor Turner moved and Councillor Gawrysiak seconded an amendment to remove the Chalgrove airfield site from the Local Plan.

Those councillors who supported the amendment expressed the view that there were other more suitable strategic sites available for housing in the district. The site is unsustainable and undeliverable. The local road infrastructure, made of small country lanes, is inadequate and there were no plans to increase the provision of public transport. There are limited employment opportunities and the proximity of the proposed homes to the current aircraft site would lead to noise nuisance for residents and complaints. The use of the site for housing would impact on its use by RAF Benson. The development and required infrastructure would be hugely expensive and there was no information regarding the level of funding available from the Homes and Community Agency (HCA). There is no evidence to show that the site's tenant had agreed to the proposed use of the land for development.

However, a majority of councillors supported the allocation of the Chalgrove airfield for housing. The redevelopment of the site for housing would represent a good re-use of land. The HCA is committed to funding the necessary infrastructure to facilitate the development which would also benefit existing residents in the area. The site offered the council with an exciting opportunity to design and control a large development.

On being put the amendment was declared lost.

A number of councillors continued to express concern regarding the current lack of highway infrastructure at Chalgrove airfield to support the development which would have a detrimental impact on Benson, Stadhampton, Watlington and the surrounding villages. Policy STRAT 9: Land at Chalgrove Airfield does not detail the infrastructure required to support delivery of the Chalgrove airfield site.

Councillor Badcock moved and Councillor Newton seconded an amendment to ensure the policy is consistent with that for other sites in the Local Plan namely to ensure improvements to the transport infrastructure are addressed via mitigation works or new/improved roads in the area. Following debate the mover and the seconder withdrew their amendment having received an assurance from the Leader of the council that he would discuss the matter with the relevant officers and ensure appropriate reference was made in the policy to address the delivery of highway infrastructure.

A number of councillors expressed concern regarding the inclusion of Culham as a strategic site for housing in the Local Plan. The site is in the Green Belt and no exceptional circumstances had been provided to justify the use of the land. The proposal would have a detrimental impact on the rural communities in the area and could lead to a loss of services in small villages, doctors' surgeries and schools, as they relocate to the new development with a higher population density. Whilst uncertainty remained over the required housing numbers the council should remove the site from the plan.

However, other councillors expressed the view that the site offered exceptional circumstances to justify the removal of the site from the Green Belt. The site is adjacent to the Culham Science Centre which offered employment opportunities and had good transport links, both road and rail (Culham Railway Station). The site would also benefit from planned infrastructure improvements including a new River Thames crossing.

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

Councillor Gawrysiak moved and Councillor Turner seconded an amendment that the Local Plan be subject to further discussion by Council once the new government housing numbers are confirmed.

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

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

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

The majority of councillors supported the approval of the publication version of the South Oxfordshire Local Plan. The plan would address the council's lack of a five-year land supply, provide much need affordable housing, support self-build homes and support economic growth.

RESOLVED:

1. To approve the publication version of the South Oxfordshire Local Plan and associated documents, for publication under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as the version of the South Oxfordshire Local Plan proposed to be submitted to the Secretary of State for independent examination;
2. To authorise the head of planning, in consultation with the Cabinet member for strategic policy (including the local plan), to make any necessary minor amendments and corrections including the identification of any saved plan policies as considered appropriate prior to:
 - publication of the South Oxfordshire Local Plan; and
 - submission of the South Oxfordshire Local Plan to the Secretary of State for independent examination and leading up to and during the examination.
2. That if, in the opinion of the head of planning in consultation with the Cabinet member strategic policy (including the local plan), national planning guidance or policy is changed in such a way as to negatively impact the deliverability of the Local Plan, the head of planning is requested to bring the Plan back to Cabinet and Council.

The meeting closed at 9.30pm

Chairman

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Minutes

OF A MEETING OF

Council



Listening Learning Leading

HELD AT 6.45 PM ON THURSDAY 12 OCTOBER 2017

THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD

Present

Jeannette Matelot (Chairman)

Charles Bailey, Joan Bland, Felix Bloomfield, Nigel Champken-Woods, Steve Connel, John Cotton, David Dodds, Stefan Gawrysiak, Elizabeth Gillespie, Tony Harbour, Lorraine Hillier, Paul Harrison, Mocky Khan, Elaine Hornsby, Sue Lawson, Lynn Lloyd, Jane Murphy, Toby Newman, Caroline Newton, Richard Pullen, Robert Simister, Ian Snowdon, David Turner and John Walsh

Apologies:

Apologies for absence were submitted on behalf of Kevin Bulmer, Pat Dawe, Imran Lokhon, Anthony Nash, David Nimmo-Smith, Bill Service, Alan Thompson and Ian White

Officers:

Steven Corrigan, William Jacobs, Margaret Reed, Mark Stone and Christopher Wheeler

31 Minutes

RESOLVED: to approve the minutes of the special Council meeting held on 29 June 2017 and the Council meeting held on 20 July 2017 as correct records and agree that the Chairman sign them as such.

32 Declarations of disclosable pecuniary interest

None.

33 Urgent business and chairman's announcements

The Chairman provided housekeeping information.

She advised councillors that there are a few tickets remaining for her Antiques Supper on 26 October 2017. She also encouraged councillors to seek to publicise

their ward councillor community grants budgets – to date only 12 applications had been received.

34 Public participation

None.

35 Temporary housing accommodation provision to 2022

Council considered Cabinet's recommendation, made at its meeting on 3 August 2017, on temporary housing accommodation provision to 2022.

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

Council welcomed the proposal and thanked officers and the Cabinet member for bringing this forward.

RESOLVED: to make a supplementary estimate of up to £1,000,000 in 2018/19 for the purchase of temporary housing accommodation (should this be required) and add the temporary housing accommodation scheme to the provisional capital programme.

36 Treasury outturn 2016/17

Council considered Cabinet's recommendation, made at its meeting on 5 October 2017, on the outturn performance of the treasury management function for the financial year 2016/17. An addendum, circulated at the meeting and available as an addendum to the council agenda, set out revised wording for paragraph 22 of appendix C.

The Cabinet member for finance advised that the Joint Audit and Governance Committee and Cabinet had considered and welcomed the head of finance's report and were satisfied that the treasury activities had been carried out in accordance with the treasury management strategy and policy. The council had achieved a higher rate of return than the target income for the year primarily because of better rates on cash deposits as lending rates were higher than anticipated in the early part of the year and dividends on the council's equity and property fund investments were higher than budget.

The following responses were provided to questions:

- The CCLA Property Fund had provided a good return. The council had considered investing more funds but the property prices were currently at a high level. The council would monitor the situation.
- The investment with Kingston upon Hull City Council is a long-term investment with a fixed investment maturing in August 2020. It is therefore not possible to invest additional funds to benefit from the favourable interest rate;
- Next year's report will include the date of investment placements in the appendix accompanying the treasury report.

Mr William Jacobs, Head of Finance, undertook to provide an explanation for why the balance of land and property in the treasury outturn report dropped from £8.95million at the end of March 2016 to £5.08million.

RESOLVED: to

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

37 Brightwell-cum-Sotwell Neighbourhood Plan

Cabinet considered the recommendations of Cabinet, made at its meeting on 5 October 2017, on making the Brightwell-cum-Sotwell Neighbourhood Development Plan part of the development plan for South Oxfordshire.

RESOLVED: to

1. 'make' the Brightwell-cum-Sotwell Neighbourhood Development Plan so that it continues to be part of the council's development plan; and
2. authorise the head of planning, in agreement with the Qualifying Body, to correct any spelling, grammatical, typographical or factual errors, together with any improvements from a presentational perspective.

38 Chinnor Neighbourhood Plan

Cabinet considered the recommendations of Cabinet, made at its meeting on 5 October 2017, on making the Chinnor Neighbourhood Development Plan part of the development plan for South Oxfordshire.

RESOLVED: to

1. 'make' the Chinnor Neighbourhood Development Plan so that it continues to be part of the council's development plan; and
2. authorise the head of planning, in agreement with the Qualifying Body, to correct any spelling, grammatical, typographical or factual errors, together with any improvements from a presentational perspective.

39 Long Wittenham Neighbourhood Plan

Cabinet considered the recommendations of Cabinet, made at its meeting on 5 October 2017, on making the Long Wittenham Neighbourhood Development Plan part of the development plan for South Oxfordshire.

RESOLVED: to

1. 'make' the Long Wittenham Neighbourhood Development Plan so that it continues to be part of the council's development plan; and
2. authorise the head of planning, in agreement with the Qualifying Body, to correct any spelling, grammatical, typographical or factual errors, together with any improvements from a presentational perspective.

40 Report of the leader of the council

No updates provided.

41 Review of political balance following the Haseley Brook by-election and changes in membership of the Conservative Group

Council considered the report of the head of legal and democratic services on the review of the political balance following the Haseley Brook by election and Paul Harrison joining the Conservative Group.

Council agreed the allocation of seats to each political group as set out in the schedule circulated at the meeting which included the allocation of an additional Planning Committee seat to the Opposition Forum Group.

David Turner, Leader of the Opposition Forum Group, thanked the Conservative Group for the continued offer of increased representation on committees.

RESOLVED:

1. to allocate seats to each political group on the committees, joint committees and panels below and to appoint the membership and substitutes, as indicated, to sit on them;
2. to allocate a seat on the Joint Scrutiny Committee to the Opposition Forum Group;
3. to allocate one of the Conservative group's seats on the Planning Committee to the Opposition Forum Group (with no councillor voting against);
4. to authorise the head of legal and democratic services to make appointments to any vacant committee or panel seat and substitute positions in accordance with the wishes of the relevant group leader.

Names	Planning Committee, 11 Members
Conservative (9)	Opposition Forum Group (2)
Joan Bland	Mocky Khan
Anthony Dearlove	David Turner
Lorraine Hillier	
Elaine Hornsby	
Sue Lawson (Vice-Chairman)	
Jeannette Matelot	
Toby Newman (Chairman)	
Richard Pullen	
Ian White	
PREFERRED SUBSTITUTES	
Conservative (9)	Opposition Forum Group (1)
Charles Bailey	Stefan Gawrysiak
Kevin Bulmer	

Nigel Champken-Woods	
Steve Connel	
Pat Dawe	
Imran Lokhon	
Ian Snowdon	
Caroline Newton	
Paul Harrison	

Names	Scrutiny Committee, 9 Members
Conservative (8)	Opposition Forum Group (1)
Steve Connel	David Turner
Anthony Dearlove	
Elaine Hornsby	
Caroline Newton	
Richard Pullen (Chairman)	
Ian Snowdon	
John Walsh (Vice-Chairman)	
Ian White	
Names	Scrutiny Committee, 9 Members
PREFERRED SUBSTITUTES	
Conservative (8)	Opposition Forum Group (2)
Charles Bailey	Stefan Gawrysiak
Pat Dawe	Mocky Khan
David Dodds	
Will Hall	
Paul Harrison	
Lorraine Hillier	
Sue Lawson	
Toby Newman	

Names	Joint Scrutiny Committee, 5 Members
Conservative (4)	Opposition Forum Group (1)
David Dodds	David Turner
Sue Lawson	
Richard Pullen (Co-Chairman)	
John Walsh	
PREFERRED SUBSTITUTES	
Conservative (4)	Opposition Forum Group (2)
Pat Dawe	Stefan Gawrysiak
Imran Lokhon	Mocky Khan
Toby Newman	
Ian White	

Names	Corporate Services Joint Scrutiny Committee, 2 Members
Conservative (2)	Opposition Forum Group (0)
Toby Newman	
Will Hall	
SUBSTITUTES: All other councillors from the relevant political group, but not Cabinet members.	

Names	Joint Audit and Governance Committee, 4 Members
Conservative (4)	Opposition Forum Group (0)
Charles Bailey	
Kevin Bulmer (Co-Chairman)	
Toby Newman	
John Walsh	
PREFERRED SUBSTITUTES	
Conservative (4)	Opposition Forum Group (0)
David Dodds	
Joan Bland	

Richard Pullen	
Alan Thompson	

Names	Community Governance and Electoral Issues Committee, 6 Members
Conservative (5)	Opposition Forum Group (1)
Charles Bailey	Mocky Khan
Steve Connel	
Anthony Dearlove	
Will Hall	
Ian White (Chairman)	
PREFERRED SUBSTITUTES	
Conservative (5)	Opposition Forum Group (2)
Anna Badcock	Stefan Gawrysiak
Joan Bland	David Turner
Paul Harrison	
Toby Newman	
John Walsh	

Names	Joint Staff Committee, 3 Members
Conservative (3)	Opposition Forum Group (0)
John Cotton	
David Nimmo-Smith	
Anthony Nash	
SUBSTITUTES	
Conservative	Opposition Forum Group (0)
The Leader may be substituted by another Cabinet member. Other members of the Committee may be substituted by any member of that councillor's political group (executive or non-executive).	

Names	General Licensing Committee, 12 Members
Conservative (11)	Opposition Forum Group (1)
Joan Bland	Stefan Gawrysiak
Nigel Champken-Woods	

Pat Dawe	
David Dodds (Chairman)	
Paul Harrison	
Lorraine Hillier	
Imran Lokhon	
Anthony Nash	
Bill Service (Vice-Chairman)	
Alan Thompson	
Ian White	
NO SUBSTITUTES	

Names	Licensing Acts Committee, 12 Members
Conservative (11)	Opposition Forum Group (1)
Joan Bland	Stefan Gawrysiak
Nigel Champken-Woods	
Pat Dawe	
David Dodds (Chairman)	
Paul Harrison	
Lorraine Hillier	
Imran Lokhon	
Anthony Nash	
Bill Service (Vice-Chairman)	
Alan Thompson	
Ian White	
NO SUBSTITUTES	

Names	Appeals Panel (NNDR and Housing), 5 Members
Conservative (5)	
Nigel Champken-Woods	
Paul Harrison	
Elaine Hornsby	
Anthony Nash	
Bill Service	
PREFERRED SUBSTITUTES	
Conservative (5)	
Joan Bland	
Kevin Bulmer	
Sue Lawson	
Alan Thompson	
Vacancy	

Names	Community Grants Panel, 9 Members
Conservative (8)	Opposition Forum Group (1)
Anna Badcock (Chairman)	Stefan Gawrysiak
Joan Bland	
Pat Dawe	
David Dodds	
Jeannette Matelot	
Anthony Nash	
Richard Pullen	
Bill Service	
PREFERRED SUBSTITUTES	
Conservative (8)	Opposition Forum Group (2)
Charles Bailey	David Turner
Nigel Champken-Woods	Mocky Khan
Steve Connel	
Elaine Hornsby	

Alan Thompson	
Vacancy	
Vacancy	
Vacancy	

42 Questions on notice

None.

43 Motions on notice

None.

44 Exclusion of the public

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

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

45 Minutes

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

The meeting closed at 7:40pm

Chairman

Minutes

OF A SPECIAL MEETING OF

Council



Listening Learning Leading

HELD AT 6.45 PM ON THURSDAY 23 NOVEMBER 2017

THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD

Present

Jeannette Matelot (Chairman)

Anna Badcock, Joan Bland, Felix Bloomfield, Nigel Champken-Woods, Steve Connel, John Cotton, Anthony Dearlove, David Dodds, Stefan Gawrysiak, Elizabeth Gillespie, Tony Harbour, Paul Harrison, Lorraine Hillier, Elaine Hornsby, Mocky Khan, Sue Lawson, Lynn Lloyd, Toby Newman, David Nimmo-Smith, Richard Pullen, Bill Service, Robert Simister, Ian Snowdon, David Turner, John Walsh and Ian White

Apologies:

Apologies for absence were submitted on behalf of Charles Bailey, Kevin Bulmer, Pat Dawe, Will Hall, Imran Lokhon, Jane Murphy, Anthony Nash, Caroline Newton and Alan Thompson

Officers:

Steven Corrigan, Paul Holland, William Jacobs, Adrianna Partridge, Margaret Reed and Mark Stone

46 Declarations of disclosable pecuniary interest

None.

47 Urgent business and chairman's announcements

The Chairman provided housekeeping information.

She referred to a well attended past chairmen's lunch.

48 Public participation

The chairman advised that Dr Wyatt and Mr Pannett had registered to address Council on the Low Emission Strategy item.

49 Low Emission Strategy

Council considered the recommendations of the General Licensing Committee, made at its meeting on 16 November 2017, on the draft Low Emission Strategy for South Oxfordshire District Council. The recommendations of the General Licensing Committee were circulated to all councillors following the meeting and were before councillors at this meeting.

Dr Wyatt and Mr Pannett addressed Council. Both raised concern that the recommendations of the General Licensing Committee did not reflect the committee's discussion or final decision. In their view the committee discussed at length the need to undertake further modelling and analysis of the proposed transport measures and not the viability of trials. This point is clearly set out in the report of the interim head of waste, parks, leisure and environmental health considered by the General Licensing Committee.

David Dodds, Chairman of the General Licensing Committee, agreed with the views expressed by the speakers and moved the following motion, seconded by Paul Harrison:

1. To approve the Low Emission Strategy that includes the modelling and analysis of the proposed transport measures identified in Wallingford and Watlington.
2. To authorise the head of service with responsibility for environmental health to make any minor amendments to the strategy in consultation with the Cabinet Member for environmental health and the Chairman of the General Licensing Committee.

Members of the General Licensing Committee supported the wording of the motion which reflected the sentiment of the meeting held on 16 November. The adoption of the strategy would allow the council to explore the feasibility of the options. After exploring the feasibility, it would be possible to consider viable options and consult further with facts and evidence to support these.

Officers confirmed that before implementation the proposals will be fully evaluated and a report including the results would be presented to the General Licensing Committee for a final decision on any permanent implementation.

A number of councillors expressed concern at the lack of measures to address air quality issues in Henley and were hopeful that the further modelling would bring forward options.

RESOLVED: to

1. approve the Low Emission Strategy that includes the modelling and analysis of the proposed transport measures identified in Wallingford and Watlington.
2. authorise the head of service with responsibility for environmental health to make any minor amendments to the strategy in consultation with the Cabinet Member for environmental health and the Chairman of the General Licensing Committee.

50 Exclusion of the public

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

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

51 New office accommodation at Crowmarsh Gifford

Council considered cabinet's recommendations, made at its meeting on 14 November 2017, on the proposed plan to demolish the current fire damaged building at Crowmarsh Gifford and then design, procure, build and fit out a new building sufficient to accommodate the council's headquarters. The recommendations were circulated to councillors following the Cabinet meeting. Cabinet supported the proposal and recommended that Council make the necessary budget decisions.

Council agreed the necessary budget provision to progress the project and secure a new headquarters at Crowmarsh Gifford by 2020.

52 Appointments to senior posts

Council considered the confidential report of the head of legal and democratic services and interim head of corporate services on appointments to senior posts.

Council agreed the recommendations set out in the report. Council further agreed to waive the substitute provisions for the Joint Staff Committee insofar as they restrict the substitution of non-cabinet members of the committee to members of that political group.

53 Report of the Leader of the council

The Leader of the council provided an update on an announcement in the Budget regarding the principle of a housing deal for Oxfordshire. In return for the Oxfordshire authorities accepting higher housing numbers they would receive £150million for infrastructure funding, £60million for affordable housing and £5million capacity funding for the development of a joint spatial plan. The Leader confirmed that Council would have the final vote on any deal.

The meeting closed at 8.15pm

Chairman

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Community Governance and Electoral Issues Committee



Report of head of legal and democratic services

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To: Community Governance and Electoral Issues Committee

DATE: 23 October 2017



Community Governance Reviews – suggested timetable and process

Recommendations

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

Purpose of report

1. To invite the committee to consider a process for future community governance reviews and to recommend Council to rescind its resolution agreed at its meeting on 17 July 2014.

Background

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

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

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

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

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

4. South Oxfordshire District Council undertook a comprehensive review of the whole district in 2013/14 with final decisions agreed at the Council meeting in July 2014. This committee is currently undertaking and considering undertaking further reviews at this meeting.
5. At its meeting in July 2014 Council agreed the following resolution:
 - that a significant development proposal that sits adjacent to or straddles a parish boundary should automatically trigger a community governance review, such a review to take place on the inclusion of a site in a document that forms part of the approved Local Plan or when planning permission has been granted for the development of the site

Current reviews/potential workload

6. The committee is currently undertaking a review of Kidmore End Parish Council and will consider requests for two further reviews at this meeting.
7. The motion agreed by Council in July 2014 provides that the council must undertake a review in certain circumstances. With the number of neighbourhood plans going forward for referendum and increased development there is currently insufficient resource to comply with this piecemeal and unplanned approach to reviews. Officers propose that the committee recommends that Council rescinds this resolution to provide for a more structured approach as set out in paragraph nine of this report.
8. In addition, there is now an expectation from parish councils that a request for a review of governance arrangements will be taken forward although there is no requirement for the council to do so. A schedule for a review would address this.

Proposal for the arrangement of future reviews

9. As set out in paragraph three there is no duty to undertake a community governance review unless the council is petitioned to do so. Guidance suggests councils should exercise their discretion but good practice is to consider conducting a review every 10-15 years. This council undertook a comprehensive review in 2013/14 but is still engaged in a number of reviews and receives enquires for further reviews.

10. Officers propose that the council undertakes a district wide review every four years commencing after the scheduled parish council elections with any agreed changes implemented for the next scheduled elections. This would ensure the reviews are sufficiently resourced, avoid the inefficiencies of carrying out small scale reviews in a piecemeal fashion of two or three areas, allow the council to address circumstances such as where there have been changes in population or in response to specific or local issues at regular intervals (well within the LGBCE guidance of every 10-15 years), offer parish councils the opportunity to proactively consider areas for review, ensure parish councils are aware of proposals from neighbouring parishes at an early stage in the process and allow this council to look at the whole district as part of the review.
11. This approach would not preclude the council from undertaking a review if circumstances required – for example in response to a unitary council proposal, to ensure the provision of effective and convenient local government in circumstances where the current parish council arrangements have failed or to address a minor parish boundary anomaly.

Financial Implications

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

Legal Implications

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

Risks and Options

14. None associated with this report.

Conclusion

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

Background papers

Report to Council on 17 July 2014

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Council



Listening Learning Leading

Report of Head of Legal and Democratic Services and Monitoring

Officer

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To: COUNCIL

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

Changes to the council's constitution

Recommendations

That Council:

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

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

- (ii) change paragraph 11.9 to read “To deal with the recovery of the Community Infrastructure Levy including stop notices, liability orders and other enforcement mechanisms under Regulation 89 to 94 and 111 of the Community Infrastructure Levy Regulations 2010.”
 - (iii) add the following paragraph “To express the opinion of the council as local planning authority on whether a neighbourhood plan requires Strategic Environmental Assessment (Environmental Assessment of Plans and Programmes Regulations 2004) and/or an appropriate assessment (Conservation of Habitats and Species Regulations 2010 (as amended 2011)).”
6. agrees to amend paragraph 14.3 of the scheme of delegation to the interim head of waste, leisure and environmental health “To give authority to police community support officers to issue fixed penalty notices in respect of litter and dog fouling offences under the Clean Neighbourhoods and Environment Act 2005.”
 7. agrees to amend the Joint Staff Committee Procedure Rules as set out in appendix 1 to this report;
 8. agrees to amend the Officer Employment Procedure Rules as set out in appendix 2 to this report;
 9. authorises the Head of Legal and Democratic Services to update the constitution to reflect the agreed amendments with effect from 1 January 2018; and
 10. authorises the Head of Legal and Democratic Services to make any minor or consequential amendments to the constitutions for consistency and to reflect the council’s style guide.

Purpose of Report

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

Strategic Objectives

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

Background

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

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

Key decisions

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

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

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

Planning Committee Procedure Rules – duration of meetings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Joint Staff Committee Procedure Rules

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

Officer Employment Procedure Rules

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

Financial Implications

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

Legal Implications

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

Conclusion

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

Background Papers

None

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