

## **EAST JOINT COMMITTEE**

**17 JUNE 2008**

### **Joint Committee Standing Orders**

#### **Joint Report of the Strategic Director of Performance and Development, Warwickshire County Council and Monitoring Officer and Solicitor to the Council, Stratford On Avon District Council**

##### **Recommendation**

That the Joint Committee notes the Standing Orders (Appendix 1) that have been adopted by each Council for this committee and for the other 2 joint committees established in the Stratford on Avon area.

1. Warwickshire County Council and Stratford-on-Avon District Council have agreed to establish three joint committees in the Stratford on Avon Area. These proposals, including the Standing Orders and delegations to the joint committees, have been approved by each Council.
2. The Standing Orders and delegations which apply to the three joint committees are attached at Appendix 1.
3. The Joint Committee is asked to note the Standing Orders (Appendix 1) that have been adopted by each Council for this committee and for the other 2 joint committees established in the Stratford on Avon area.

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3<sup>rd</sup> June 2008

**APPENDIX 1**

# THE STRATFORD-ON-AVON DISTRICT JOINT COMMITTEES

## STANDING ORDERS

### 1. Definitions

In these Standing Orders the following definitions will apply;

- 'Chair' means the chair for the time being of a Joint Committee elected in accordance with these Standing Orders
- 'Committee administrator' means the officer nominated by the Councils to take responsibility for the administrative requirements in relation to a Joint Committee such as the publication of agendas, circulation of reports, publication of minutes etc
- 'Councils' means the Warwickshire County Council and the Stratford-on-Avon District Council
- 'Forward Plan' means the plan issued on a monthly basis by each Council containing details of all the key decisions which that Council intends to take over the coming four month period
- 'Joint Committee' means any joint committee established between the Warwickshire County Council and the Stratford-on-Avon District Council and operating within the geographical boundary of the Stratford-on-Avon District Council and any shall include any sub-committees established by a Joint Committee.
- 'Key Decision' means a decision made by a Joint Committee in the exercise of an executive function which meets the criteria for key decisions as determined by either Council
- 'Locality Forum' means the six local forums which operate within the Stratford-on-Avon District Council boundary and which also fulfil the functions of the Partners and Communities Together (PACT) panel meetings
- 'Members' means those elected members of the Warwickshire County Council and of the Stratford-on-Avon District Council who are appointed by the Councils to sit on a Joint Committee. For the avoidance of doubt, the term 'Members' does not include co-opted members
- 'Monitoring Officer' means the monitoring officer of either Council or his / her representative as nominated to take responsibility for a Joint Committee

- 'Proper Officer' means the Chief Executive of the Warwickshire County Council or the Stratford-on-Avon District Council or their respective nominees
- 'Vice Chair' means the vice-chair for the time being of a Joint Committee elected in accordance with these Standing Orders

## **2. Application**

These Standing Orders apply to the joint arrangements between Warwickshire County Council and Stratford-on-Avon District Council for the operation of the agreed Joint Committees within the geographical boundary of the Stratford-on-Avon District Council.

## **3. Role and Remit**

- 3.1 Each Joint Committee shall have the responsibilities set out in Appendix 1 in respect of their area except in so far as the matter has been reserved to full Council or Cabinet or delegated to other persons (including officers) of either Council under their respective constitutions.
- 3.2 The Joint Committees may exercise such executive and non-executive powers within their area as the Councils may agree should be delegated to them from time to time.
- 3.3 A Joint Committee may re-delegate to any sub-committee appointed by it all or any of the powers and duties delegated to it by the Councils.
- 3.4 The Joint Committee may only take decisions that will not, in the opinion of the Monitoring Officers affect other areas of the District or County (the "no harm" rule). Any proposed decisions that, in the opinion of the Monitoring Officers, will infringe the no harm rule shall be dealt with in accordance with the constitutions of the respective Councils.
- 3.5 Where it is not clear or there is some dispute as regards which Joint Committee or whether a Joint Committee should consider a particular matter it shall be referred to the Monitoring Officer of each Council for a joint decision on the matter.

#### **4. Membership**

- 4.1 The Members of each Joint Committee shall be all the Warwickshire County Council elected members and all the Stratford-on-Avon District Council elected members whose electoral divisions or wards fall wholly or partly within the relevant locality areas agreed by the Councils from time to time.
- 4.2 Each Joint Committee will actively encourage the attendance at meetings of other agencies or bodies serving or contributing to the well-being of the area as non voting, co-opted members. Co-optees will have the power to speak but will not have the power to vote.

#### **5. Appointment of Members**

- 5.1 Appointment of Members to each Joint Committee continues until;
- (i) the person appointed is removed by the Council
  - ii) the person appointed ceases to be an elected member
  - (iii) the person appointed resigns
- 5.2 Where an elected member has been suspended as a Councillor under either Councils' Code of Conduct for Elected Members, he or she may not act as a representative of the Council on the Joint Committee. At the end of the period of suspension, the elected member may resume office.
- 5.3 Subject to Standing Order 12 (Quorum), a vacancy on a Joint Committee cannot invalidate its powers to make decisions or discuss appropriate items.

#### **1. Appointment of Chair and Vice Chair**

- 6.1 At the first meeting and thereafter at the 'annual meeting' each Joint Committee must appoint a Chair and a Vice Chair from amongst its Members. Voting on the appointment of a Chair and Vice Chair will be in accordance with Standing Order 16.
- 6.2 Casual vacancies occurring during the offices of either the Chair or the Vice Chair will be filled by the Committee at its next available meeting.
- 6.3 Save in the case of Councillors who are elected members of both Councils, the Chair and Vice Chair shall not be drawn from the same Council and shall rotate annually such that consecutive Chairs and consecutive Vice Chairs shall not be drawn from the same nominating body.

## **7. Annual Meeting**

- 7.1 Each Joint Committee shall hold an 'annual meeting' once a year. This meeting shall be the first meeting of the Committee in the new Council year and will take place at a meeting which follows the annual meeting of each of the Councils.
- 7.2 The annual meeting shall;
- (i) elect a Chair
  - (ii) elect a Vice Chair
  - (iii) approve the minutes of the last meeting
  - (iv) consider any other business set out in the agenda

## **8. Time and Place of Meetings**

- 8.1 Each Joint Committee will meet at least 4 times in any municipal year in accordance with a timetable agreed in advance by the Councils, taking into account the requirements of Standing Order 7.1 (Annual Meeting).
- 8.2 Special (additional) meetings may be called at any time by the Chair of the Committee or by the Proper Officer of either Council if he/she considers it necessary or appropriate.
- 8.3 Meetings will in general be held within the geographical boundary of the relevant Committee. From time to time, the Committee may where it is in the interests of improving service delivery and / or public engagement agree to hold a meeting outside of its geographical area but within the Stratford-on-Avon District.

## **9. Notice and Summons to Meetings**

- 9.1 At least 5 clear days notice will be given to the public of the time and place of meetings of the Joint Committees by posting details of the meeting at the designated office of each Council and on each Council's website.
- 9.2 Except where the law permits otherwise, at least 5 clear days before a meeting, a summons signed by the Proper Officer must be sent by post to every member of the Committee or left at their usual place of residence or such alternative address as notified to either Council in writing. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.
- 9.3 Lack of proper service of a summons upon any Member will not invalidate the meeting.

## **10. Agenda Items**

- 10.1 Subject to the requirements of Standing Order 7.2 above, the agendas for meetings of the Joint Committees shall be fixed by the relevant Chair in consultation with the Monitoring Officer subject to any legal requirements.
- 10.2 Every agenda shall include an opportunity for public question time. (Standing Order 20)
- 10.3 Any Member may require that an item is added to the agenda of the next available meeting.
- 10.4 Co-opted members and the chairs of any Locality Forum can request that an item is added to the agenda of the Joint Committee which is relevant to their area, such addition to be at the discretion of the Chair.
- 10.5 The agenda will distinguish between executive and non executive items of business.

## **11. Role of the Chair**

- 11.1 It shall be the duty of the Chair to conduct the meeting efficiently and effectively and at all times to act reasonably. The Chair shall have full power to conduct the meeting in the way that he/she considers most expedient and to decide upon any points of procedure subject only to statutory requirements (if any) and these Standing Orders.
- 11.2 The decision of the Chair shall be final however, where any member raises a point of order (ie concerning these procedural rules or the law), the Chair must seek and take account of the advice of the relevant Monitoring Officer before giving any decision.
- 11.3 If at any meeting the Chair is absent, the Vice-Chair shall preside, but if the Vice-Chair is absent another Member chosen by those members present from amongst the Members representing the same authority as the Chair shall preside for the meeting.

## **12. Quorum**

- 12.1 Subject to any legal requirements from time to time in place, the quorum at meetings shall be one fifth of the number appointed to the Committee, provided always that there shall be at least two Warwickshire County Council elected members and two Stratford-on-Avon District Council elected members present.

- 12.2 If the Chair declares that there is no quorum, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair or if none, at the next ordinary meeting of the Committee.

### **13. Duration of meetings**

- 13.1 Unless the majority of Members present vote for the meeting to continue, any Joint Committee meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair and if none, at the next ordinary meeting of the Committee.

### **14. Attendance by elected members as observers**

- 14.1 Subject to the rules of the Council to which they are elected, to Standing Orders 21 (Disorderly Conduct by Members) and 24 (Probity and Ethics) any elected member of either of the Councils can attend any meeting of a Joint Committee as a non-speaking observer. Such observer may be invited at the Chair's discretion to speak at that meeting but may not vote.

### **15. Record of attendance**

- 15.1 Each Member present during the whole or any part of any meeting must sign his/ her name in the relevant attendance book

### **16. Voting**

- 16.1 All items of business will be decided by a majority of those present unless the law or these Standing Orders specifically require otherwise.
- 16.2 Each Member shall have one vote.
- 16.3 Co-opted members will not have the power to vote.
- 16.4 In the event of equality of votes, the Chair (or the person presiding), if otherwise eligible to vote, will have a casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.
- 16.5 The Chair will take the vote by show of hands, or if there is no dissent, by affirmation of the meeting.
- 16.6 Immediately after the vote is taken, any Member at the meeting can require that their individual vote be recorded in the minutes.

## 17. Resolutions

17.1 All resolutions (which includes any suggested amendments) must be moved at the meeting and must be about matters for which the Committee has a responsibility or which affect the area and are related to the business specified on the agenda.

17.2 Rights of reply – order

Rights of reply shall be exercised in the following order;

- i. the mover of an amendment;
- ii. where there is more than one amendment, the rights of reply shall be exercised in the order the amendments were moved;
- iii. the mover of the original (substantive) resolution

A Member exercising a right of reply shall confine his/herself strictly to answering previous observations and shall not introduce any new matter.

17.3 The procedures below apply to the following resolutions;

(a) If a resolution to ***'proceed to the next business'*** is seconded, the Chair, if he/she considers there has been sufficient discussion about the matter, shall without further discussion, give the mover(s) of the original resolution and any amendments a right of reply before the resolution is put to the vote.

(b) If a resolution ***'that the question now be put'*** is seconded, the Chair, if he/she considers there has been sufficient discussion about the matter will immediately put the resolution to the vote without debate. If the resolution is passed, then without further discussion the mover(s) of the original resolution and any amendments will be given a right of reply before the original resolution is put to the vote.

(c) If a resolution to ***'adjourn the debate'*** or to ***adjourn the meeting*** is seconded, the Chair, if he/she considers there has been sufficient discussion about the matter will immediately put the resolution to the vote without discussion.

17.4 Any of the resolutions in Standing Order 17.3 shall be moved without comment by a Member who has not spoken on the matter at the conclusion of the speech of another Member. If such a resolution is not carried the same motion shall not be moved within a period of 30 minutes without the agreement of the Chair.



## **18 Rules of debate**

- 18.1 Subject to legal requirements, it is intended that the Chair of the Joint Committee has the greatest amount of flexibility to conduct business in the way that he/she considers is most effective. For the avoidance of doubt this Standing Order shall take precedence over Standing Order 17.2.
- 18.2 The conduct of business including speeches and debates at meetings will be at the discretion of the Chair acting reasonably.

## **19. Special Rules for Executive Decisions Forward Plan Requirements**

- 19.1 Each Council shall be responsible for ensuring that their respective access to information and Forward Plan rules are followed in cases where any decision proposed to be taken by a Joint Committee amounts to a Key Decision in relation to a function of that Council under their respective constitutions.

### **Notice of Executive Decisions**

- 19.2 Notice of any executive decisions taken by a Joint Committee will be published electronically, normally within 2 working days, and made available to the elected members of each Council.
- 19.3 The decision will come into force and may then be implemented on the expiry of 5 working days after the publication date unless the decision is called-in in accordance with Standing Orders 19.4 – 19.9.  
Call-in
- 19.4 Subject to the restrictions contained in Standing Order 19.5 and 19.9, call-in shall apply to any executive decisions (as identified in Appendix 1) made by a Joint Committee.
- 19.5 Call-in can only be exercised by an elected member in respect of functions delegated to a Joint Committee by his/ her Council as identified in Appendix 1. This does not prevent either Council exercising call-in in the case of functions which are jointly delegated to a Joint Committee as identified in Appendix 1.
- 19.6 Subject to Standing Order 19.7, the call-in rules which apply will be the rules of the Council exercising the right of call-in.

- 19.7 Where both Councils exercise call-in in respect of functions which are jointly delegated to a Joint Committee, each Council shall follow its own respective call-in rules unless such arrangements are in place which would enable the Councils to undertake joint scrutiny of the decision. In either case, the Monitoring Officer of each Council shall discuss the arrangements for the operation of call-in.
- 19.8 For the purposes of the County Council's call-in procedures (the County Council's Standing Orders 11 and 12), the term 'Area Committee(s)' shall include the Stratford-on-Avon District Joint Committees.
- 19.9 Where a decision of a Joint Committee is called-in, it cannot be implemented until the conclusion of the relevant call-in process.
- 19.10 In order to ensure that call-in does not cause unreasonable delay and is not abused, the following limitations shall apply;
- (a) the call-in procedure can only be used once in respect of any particular decision;
  - (b) Where as a result of call-in the matter is referred back to the decision maker for final decision or the decision is otherwise deemed to take effect, no further call-in may be exercised;
  - (c) Call-in shall not be exercised by a Council who has treated the decision as an urgent decision in accordance with their own urgent decision rules.

## **20. Public Question Time**

### **General**

- 20.1 The Chair has the general power to manage the public question and answer session and has the discretion to reject any question which
- (i) Has already been answered;
  - (ii) Is not relevant to the business of the Committee or within its remit;
  - (iii) He/she considers unsuitable.
- 20.2 Where a number of members of a particular organisation wish to ask questions on related matters, the Chair may limit the number of questioners as he/she considers appropriate.
- 20.3 Unless otherwise agreed by the Chair, the public question and answer session shall be limited to 30 minutes.

### **Questions**

- 20.4 Questions should be notified in writing and received by the Proper Officer at least one full working day before the meeting.

- 20.5 Each question should give the name and address of the questioner and the name and date of the meeting to which it is to be put.
- 20.6 A record in a book open to public inspection will be kept of each question received and a copy of the question will immediately be sent to the Chair or any other person to whom the question is likely to be put.
- 20.7 The questioner may ask a maximum of 2 questions.
- 20.8 Each questioner shall have a maximum of 3 minutes to speak.

#### **Procedure at the meeting**

- 20.9 The Chair will take the questions in the order that he/she considers most appropriate.
- 20.10 The questioner will be invited to ask the question and the Chair or relevant person will reply.
- 20.11 The questioner may ask one supplementary question. Any supplemental question must arise out of the original question or the reply and, unless agreed by the Chair, must not be interpreted as allowing a debate of either the question or the reply.
- 20.12 The Chair has the discretion to decide whether discussion will take place on any question.
- 20.13 Questions and answers given at the meeting will be recorded in the minutes.

#### **Absence of questioner**

- 20.14 In the absence of the questioner the Chair has discretion over how to deal with the question and may put the question him/ herself to the meeting

#### **Form of answers**

- 20.15 Answers may take the form of either a direct oral answer or reference to a publication. Where an oral answer cannot immediately be given, a written answer may be given to the questioner as soon as practicable following the meeting.
- 20.16 Any question which cannot be dealt with during public question time, either because of lack of time or absence of the appropriate person, will be dealt with by written answer.

- 20.17 All written answers given following the meeting will be circulated to all Members and unless the contents would involve disclosure of exempt or confidential information shall normally be made public.

### **Referral of the question to another body**

- 20.18 Any Member may move that the subject matter be referred to another body for decision. Once seconded, such a motion will be voted on without discussion.

### **21. Disorderly conduct by Members**

- 21.1 If at any meeting a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member not be heard further. If seconded the motion will be voted on without discussion.
- 21.2 If at any meeting a Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **22. Disturbance by the Public**

- 22.1 If at any meeting, there is a general disturbance making conduct of the business not reasonably possible, the Chair has the power to adjourn the meeting for as long as he/she thinks necessary.
- 22.2 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.
- 22.3 The Chair has the power to remove members of the public from a meeting in accordance with Standing Order 27.6

### **23. Minutes**

- 23.1 Minutes will be taken of every meeting of a Joint Committee.
- 23.2 Minutes will contain all resolutions and amendments moved at the relevant meeting.
- 23.3 Every set of minutes will be taken to the next suitable meeting where the Chair will move that they be approved as an accurate record.
- 23.4 Once approved the minutes shall be signed by the Chair.

23.5 The minutes of every meeting, excluding any part of the minutes or record when the meeting was not open to the public which disclose exempt or confidential information (as defined in Standing Order 27), will be made available for public inspection for up to six years after the date of the meeting.

**24. Probity and Ethics**

Members will abide by any ethical rules or guidance set out in the following;

- (i) As stipulated by law (whether common law, statute, subsidiary legislation, statutory code or guidance)
- (ii) As issued by the Council to which they are elected
- (iii) As issued by any other organisation / body if such rules or guidance are adopted by the Council to which they are elected.

**25. Elected Member Access to Reports**

25.1 Subject to the rules of the Council to which they are elected, all elected members of each Council will be entitled to inspect any report or document which is in the possession or control of a Joint Committee.

25.2 Any disputes in relation to the rights of access, whether under these Standing Orders or otherwise, of any elected member to documents or reports connected with a Joint Committee shall be referred to the Monitoring Officer of the Council to which the function relates provided always that there is consultation between the Monitoring Officers before a final decision is made.

**26. Access to Information and Confidentiality**

Subject to any legal rights of disclosure which are available to elected members any confidential or exempt information and documentation disclosed to elected members must be kept confidential by them.

**27. Public Access to Meetings**

27.1 Subject only to the exceptions in these Standing Orders, Members of the public may attend all meetings.

27.2 Subject only to the exceptions in these Standing Orders, Members of the public shall have the right to speak on any matter on the open part of the agenda. The Chair may impose any of the limits set out in Standing Order 20 and may manage the public right to speak in such way as he/she sees fit.

27.3 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of proceedings that confidential information would be disclosed

- 27.4 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot publicly be disclosed by or under any enactment or Court Order.
- 27.5 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of proceedings that exempt information would be disclosed. Exempt information means information falling within the categories of information set out in Appendix 2.
- 27.6 Any member of the public who interrupts proceedings or acts improperly shall firstly be warned by the Chair that if their conduct continues, the Chair will request that they leave or order them to be removed from the meeting.

**28 Public Access to Agenda and Reports before the Meeting**

- 28.1 The Councils will make copies of the agenda and accompanying reports open to the public and available for inspection at the designated office of each Council and on the web-site of each Council at least five clear days before the meeting unless a shorter period is permitted by law.
- 28.2 Where a report is not included with the agenda, the Councils shall make each such report available to the public for inspection as soon as the report is completed and sent to elected members.
- 28.3 Nothing in this rule requires the disclosure of any report containing confidential or exempt information as defined in Standing Order 27.

**29. Access to Minutes etc After the Meeting**

- 29.1 The Councils will as soon as reasonably practicable after a meeting, and for a period of six years from the date of the meeting, make available copies of the following;
- (a) The minutes of the meetings of the Joint Committee or records of decisions taken excluding any part of the minutes when the meeting was not open to the public which disclose exempt or confidential information;
  - (b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - (c) The agenda for the meeting;
  - (d) Reports relating to items when the meeting was open to the public.

### **30. Background Papers**

- 30.1 Every officer originating a report for a Joint Committee shall ensure it includes a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion;
- (a) Disclose any facts or matters on which the report or an important part of the report is based; and
  - (b) Which have been relied on to a material extent in preparing the report except published works or those which would disclose exempt or confidential information (as defined in Standing Order 27)
- 30.2 Each Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers in respect of reports originating from them.

### **31. Supply of Copies**

- 31.1 The Councils will supply to any person who so requests;
- (a) Any agenda and reports which are open to public inspection;
  - (b) Any further statements or particulars necessary to indicate the nature of the items on the agenda;
  - (c) If the Monitoring Officer of the Council producing the information thinks fit, copies of any other documents supplied to Members in connection with an item
- 31.2 Subject to any legal provisions, a charge for copying and postage may be made for any of the above items.

## Appendix 1

### RESPONSIBILITIES OF THE STRATFORD-ON-AVON JOINT COMMITTEES

Each Joint Committee shall have the responsibilities set out below in respect of their area except in so far as a matter has been reserved to full Council or Cabinet or delegated to other persons (including officers) under either Council's constitution.

| Function   | Type of Function | Statutory Reference   | Delegated By |
|--|------------------|---|--------------|
| To consider the performance of the Councils' services delivered locally within the area and to comment to the relevant Overview and Scrutiny Committee or the Executive as appropriate                 | Executive        | Section 111 Local Government Act 1972<br>Section 3 Local Government Act 1999 and any other relevant enactment | Joint        |
| To help the Council shape major proposals affecting the area and to advise the Council about the implications for the area of its objectives, plans, and policies.                                     | Executive        | Section 111 Local Government Act 1972 and any other relevant enactment  | Joint        |
| To encourage effective collaboration with public, voluntary and private sector partners locally including the locality based Community Forums incorporating the Partners and Community Together Panels | Executive        | Section 111 Local government Act 1972; Section 2 Local Government Act 2000 and any other relevant enactment   | Joint        |
| To provide a forum for views of local communities and to encourage discussion and debate of matters of particular relevance to the area  | Executive        | Section 111 Local Government Act 1972 and any other relevant enactment  | Joint        |
| To administer revenue and capital grants (for the well-being of the local community)   | Executive        | Section 2, Local Government Act 2000 and Section 111 of Local Government Act 1972                             | Joint        |



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| <p>To approve and monitor County Council local targets and the Council's contribution to local partnership plans within the overall policy and budgetary framework of the Council and in a way which promotes the Council's overall policies</p>   | <p>Executive</p> | <p>Section 111 Local Government Act 1972; Section 3 Local Government Act 1999; Section 2 Local Government Act 2000 and any other relevant enactment</p> | <p>WCC</p> |
| <p>Subject to a delegation from the Executive, to make decisions on any other matters within their areas, provided those decisions are within the Council's overall policies and budgetary allocations and do not affect other areas of the District</p>   | <p>Executive</p> | <p>Section 111 Local Government Act 1972, Section 2 Local Government Act 2000 and any other relevant enactment</p>                                      | <p>SDC</p> |
| <p>To determine such matters of particular local significance as are delegated by the Executive</p>  | <p>Executive</p> | <p>Dependant on specific matter delegated</p>   | <p>SDC</p> |
| <p>To adopt, in the following circumstances, Parish Plans and Village Design Statements which, in the opinion of the Chief Executive do not conflict with District Council policy;<br/> (a) as a local information source<br/> (b) as a material consideration in dealing with planning applications in accordance with provisions in the District Local Plan.</p> | <p>Executive</p> | <p>Planning and Compulsory Purchase Act 2004 and Local Government Act 1972</p>  | <p>SDC</p> |

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| <p>To discharge the Council's functions in respect of the following environmental initiatives;</p> <ul style="list-style-type: none"> <li>(a) Areas of Outstanding Natural Beauty</li> <li>(b) Designation of Sites of Interest for Nature Conservation</li> <li>(c) Designation and Management of Sites as Local Nature Reserves</li> </ul> | Executive | <ul style="list-style-type: none"> <li>(a) Countryside and Rights of Way Act 2000.</li> <li>(b) Natural Environment and Rural Communities Act 2006, and Local Government Act 1972</li> <li>(c) National Parks and Access to the Countryside Act 1949</li> </ul> | SDC |
| <p>To discharge the Council's functions in respect of the management and protection of areas of archaeological interest, including sites scheduled as ancient monuments and buildings of special or historic interest</p>  | Executive | Ancient Monuments and Archaeological Areas Act 1979   | SDC |
| <ul style="list-style-type: none"> <li>(a) To designate and/or review the boundaries of a conservation area</li> <li>(b) To approve conservation areas appraisals and management plans</li> </ul>  | Executive | Planning (Listed Building and Conservation) Act 1990  | SDC |
| <p>Subject to the powers delegated to officers, Land drainage</p>  | Executive | Land Drainage Act 1991  | SDC |
| <p>The making of Dog Control Orders</p>  | Executive | Clean Neighbourhoods and Environment Act 2005   | SDC |
| <p>To advise in respect of revisions to the District Council's Parking Strategy</p>  | Executive | Section 111 Local Government Act 1972, Section 2 Local Government Act 2000 and any other relevant enactment   | SDC |

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| <b>To make decisions on the following matters within their areas, provided those decisions are within the County Council's overall policies and budgetary applications and do not affect other areas of the County; -</b> |           |   |     |
| Approving locality plans  | Executive | Section 2, Local Government Act 2000  | WCC |
| Approving area sustainable community strategies   | Executive | Section 2, Local Government Act 2000  | WCC |
| Approving local environmental and/or economic schemes   | Executive | Section 2, Local Government Act 2000 and any other relevant enactment                           | WCC |
| Approving changes to Schools Priority Areas   | Executive | Section 89 Schools Standards and Framework Act 1998   | WCC |
| The opening hours of local waste disposal sites provided no additional cost is involved   | Executive | Section 51 Environment Protection Act 1990  | WCC |
| Road traffic management and accident prevention schemes and road traffic regulation   | Executive | Road Traffic Regulation Act 1984 and any other relevant enactment                               | WCC |
| Public transport/rural transport and community transport  | Executive | Road Traffic Regulation Act 1984, Transport Acts 1985 and 2000 and any other relevant enactment | WCC |
| The stopping up or diversion of highways  | Executive | Section 116 Highways Act 1980   | WCC |

|  |               |   |       |
|--|---------------|---|-------|
| Appointment to area based outside bodies (local trusts, voluntary bodies etc where the body operates wholly within their area).                  | Non-executive | Any enactment conferring a power to make such appointments other than those appointments reserved to the Council or the Executive of either Council by law or other provision within the constitution of either Council | Joint |
| Subject to the powers delegated to officers, any function relating to contaminated land  | Non-executive | Environmental Protection Act 1990   | SDC   |
| Subject to the powers delegated to officers, the discharge of any function relating to the control of pollution or the management of air quality | Non-executive | Environmental Protection Act 1990<br>Clean Air Act 1993<br>Control of Pollution Act 1995  | SDC   |
| The passing of a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the Council's area                      | Non-executive | Noise and Statutory Nuisance Act 1993   | SDC   |
| To agree proposals involving the removal of permitted development rights through Article 4 Directions  | Non-executive | Town and County Planning (General Permitted Development) Order 1995   | SDC   |
| To make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption           | Non-executive | Criminal Justice and Police Act 2001  | SDC   |
| To advise in respect of local planning matters that are not within the delegated powers of District Council officers                             | Non-executive | Section 111 Local Government Act 1972, and any other relevant enactment   | SDC   |

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| <b>To make decisions on the following matters within their areas, provided those decisions are within the Council's overall policies and budgetary applications and do not affect other areas of the County; -</b> |               |  |     |
| Power to create, divert and stop up footpaths and/or bridleways whether by agreement or otherwise  | Non Executive | Sections 118, 119, 25 and 26 Highways Act 1980 | WCC |
| Power to determine an application for public path extinguishment order   | Non Executive | Sections 118ZA and 118C(2) Highways Act 1980   | WCC |
| Power to make a rail crossing diversion or extinguishment order  | Non Executive | Section 118A and 119A Highways Act 1980        | WCC |
| Powers to make special extinguishment or special diversion orders  | Non Executive | Sections 118B, 119B and 119C Highways Act 1980 | WCC |
| Power to make a public path diversion order  | Non Executive | Section 119ZA and 119C(4) Highways Act 1980    | WCC |
| Power to make an SSSI (site of special scientific interest) diversion order  | Non Executive | Section 119D Highways Act 1980                 | WCC |
| Power to decline to determine certain applications   | Non Executive | Section 121C Highways Act 1980                 | WCC |
| Duty to assert and protect the rights of the public to the use and enjoyment of highways   | Non Executive | Section 130 Highways Act 1980                  | WCC |
| Duty to serve notice of proposed action in relation to obstructions  | Non Executive | Section 130A Highways Act 1980                 | WCC |
| Power to apply for a variation order under Section 130B Highways Act 1980  | Non Executive | Section 130B(7) Highways Act 1980              | WCC |
| Power to authorise temporary disturbance of surface of footpath or bridleway   | Non Executive | Section 135 Highways Act 1980                  | WCC |
| Power to temporarily divert footpath or bridleway  | Non Executive | Section 135A Highways Act 1980                 | WCC |
| Functions relating to the making good of damage and the removal of obstructions  | Non Executive | Section 135B Highways Act 1980                 | WCC |

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| Powers relating to the removal of things so deposited on highways as to be a nuisance | Non Executive | Section 149 Highways Act 1980                         | WCC |
| Power to extinguish certain public rights of way                                      | Non Executive | Section 32 Acquisition of Land Act 1981               | WCC |
| Power to include modifications in other orders  | Non Executive | Sections 53A Wildlife and Countryside Act 1981        | WCC |
| Duty to reclassify roads as public paths  | Non Executive | Section 54 Wildlife and Countryside Act 1981          | WCC |
| Power to re-designate footpath as cycle track   | Non Executive | Section 3 Cycle Tracks Act 1984                       | WCC |
| Power to extinguish public rights of way over land acquired for clearance             | Non Executive | Section 294 Housing Act 1981                          | WCC |
| Power to authorise stopping up or diversion of footpath or bridleway                  | Non Executive | Section 257 Town and Country Planning Act 1990        | WCC |
| Power to extinguish public rights of way over land held for planning purposes         | Non Executive | Section 258 Town and Country Planning Act 1990        | WCC |
| Power to enter into agreements with respect to means of access                        | Non Executive | Section 35 Countryside and Rights of Way Act 2000     | WCC |
| Power to provide access in the absence of agreement                                   | Non Executive | Section 37 Countryside and Rights of Way Act 2000     | WCC |
| Power to license planting retention and maintenance of trees etc in part of highway   | Non Executive | Section 142 of the Highways Act 1980                  | WCC |
| Power to authorise erection of stiles etc on footpaths or bridleways                  | Non Executive | Section 147 Highways Act 1980                         | WCC |
| Power to grant a street works licence   | Non Executive | Section 50 of the New Roads and Street Works Act 1991 | WCC |

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|---|---------------|--|-----|
| Power to license works in relation to buildings etc which obstruct the highway  | Non Executive | Section 169 of the Highways Act 1980   | WCC |
| Power to consent to temporary deposits or excavations in streets  | Non Executive | Section 171 Highways Act 1980          | WCC |
| Power to dispense with obligation to erect hoarding or fence  | Non Executive | Section 172 Highways Act 1980          | WCC |
| Power to restrict the placing of rails, beams etc over highways   | Non Executive | Section 178 Highways Act 1980          | WCC |
| Power to consent to the construction of cellars etc under street and/or the making of openings into cellars etc under streets and pavement lights and ventilators | Non Executive | Sections 179 and 180 Highways Act 1980 | WCC |

**Appendix 1**

**TABLE OF EXEMPT INFORMATION**

| <b>Category of Exempt Information</b>  | <b>Qualifications</b>   |
|--|---|
| 1. Information relating to any individual  |   |
| 2. Information which is likely to reveal the identity of an individual   |   |
| 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)   | Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act, Charities Act or Building Societies Act  |
| 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority | 'Labour relations matters' are as specified in paragraphs (1) to (g) of Section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, ie, matters which may be the subject of a trade dispute |
| 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings  |   |
| 6. Information which reveals that the authority proposes;<br><br>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or<br><br>(b) to make an order or direction under any enactment                                    |   |
| 7. Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime  |   |