

AGENDA MANAGEMENT SHEET

Name of Committee Stratford on Avon Area Committee

Date of Committee 19 March 2008

Report Title Locality Working in Stratford on Avon District

Summary This report follows on from the decision of the Cabinet on 6th December 2007 and is intended to support discussion relating to the establishment in the area of 3 Joint Committees (i.e. jointly with Stratford on Avon District Council) and 6 Locality Forums. The views of the Area Committee will be reported to meetings of the Cabinet and County Council on 24 April & 13 May

For further information please contact:

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Would the recommended decision be contrary to the Budget and Policy Framework? [please identify relevant plan/budget provision]
Background papers

No

- Reports to Cabinet dated 10th May, 18th October and 6th December 2007
- Reports to Stratford on Avon Area Committee dated 18th July and 19th September 2007
- Report to County Council dated 11th December 2007

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

- | | | |
|-----------------------|-------------------------------------|-----------------------------|
| Other Committees | <input type="checkbox"/> | |
| Local Member(s) | <input type="checkbox"/> | |
| Other Elected Members | <input type="checkbox"/> | |
| Cabinet Members | <input checked="" type="checkbox"/> | Cllr Peter Fowler |
| Chief Executive | <input checked="" type="checkbox"/> | Jim Graham, Chief Executive |

- Legal Sarah Duxbury, Great Needham
- Finance David Clarke
- Other Strategic Directors
- District Councils This report has been shared and agreed with Stratford on Avon District Council
- Health Authority We have engaged fully with the PCT on the development of Locality Working
- Police We have engaged fully with the Police and Police Authority on the development of Locality Working
- Other Bodies/Individuals Town and Parish Councils

FINAL DECISION **No**

SUGGESTED NEXT STEPS: Details to be specified

- Further consideration by the Cabinet 24 April 2008
- To Council 13 May 2008
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Stratford on Avon Area Committee – 19 March 2008

Locality Working in Stratford on Avon District

Report of the Strategic Director of Performance & Development

Recommendations:

That the Area Committee:

- 1 Confirms its support for the establishment of three Joint Committees (jointly with Stratford District Council) in the place of the Area Committee**
- 2 Supports officers now making the practical arrangements to establish the six locality forums as approved by the full Council on 11th December 2007**
- 3 Confirms its support for the boundary delineation for the Joint Committees and Locality Forums as shown on the map attached to this report at Appendix 1**
- 4 Recommends to Cabinet and the Council the draft Standing Orders for the Joint Committees as set out in Appendix 2 subject to the comments made by members at the meeting and such other amendments considered by the Strategic Director of Performance and Development to be necessary**
- 5 Recommends to Cabinet and the Council the list of delegated functions for the Joint Committees as set out in Appendix 3 subject to the comments made by members at this meeting and such other amendments considered by the Strategic Director of Performance and development to be necessary**
- 6 Agrees a date for the implementation of these arrangements**

1 Introduction and Context

- 1.1 Following previous consultation with the Area Committee and Stratford on Avon District Council, the Cabinet considered a comprehensive report on 18th October and, in relation to the Stratford on Avon area considered an outline proposal as follows:

- Three Joint Committees (i.e. Joint Committees of the County and District Councils) should be established
- Each Joint Committee should be supported by and fully integrated with 2 Locality Forums. Thus, one Joint Committee could include the Studley/Henley and Alcester/Bidford forums, one the Wellesbourne /Kineton and Feldon /Southam forums and the third Stratford and Stour forums.
- The Joint Committees should in due course replace the existing Area Committee
- The Joint Committees would include both District and County Councillors as representatives for that particular area, would be formal committees and would exercise specific responsibilities delegated to them by both District and County Councils
- Further work is to be carried out identify those responsibilities that could be delegated to the Joint Committees
- That the locality arrangements are reviewed after 12 months

1.2 In relation to the Stratford on Avon Area, Cabinet agreed to the development of detailed proposals based on the establishment of three Localities with Joint Committees in the Stratford on Avon area to be integrated with six advisory meetings, based on the map attached as Appendix 1 to this Report. Cabinet recognised that this proposal would be subject to refinement as part of detailed discussions with partners.

1.3 The matter was considered again by the Cabinet on 6th December 2007 and the Council on 11th December 2007. The Council resolved as follows:

a) That Council notes the further progress made towards the development of a final set of Locality Proposals for Warwickshire and agrees that the six Locality forums in the Stratford on Avon district are set up with membership made up of elected members whose divisions fall within the locality boundaries

b) That Council recognises that the proposals considered by the Cabinet on 18th October 2007 remain subject to further refinement in the light of current consultation and discussions with elected members and our partners

c) That a further report is presented to Council as soon as possible with recommendations to Council for the implementation of locality arrangements

1.4 It is intended that a report is taken to the Cabinet on these matters on 24 April 2008 and to the Council at its meeting on 13 May 2008

1.5 In the meantime the purpose of this report is to update members of the Area Committee on the development of the proposed arrangements for the establishment of the three Joint Committees referred to above.

2. Matters to consider

2.1 The proposal on which we now seek the views of the Area Committee is as follows:

- a) That three Joint Committees are established, the membership of which be made up of the District and County Councillors whose divisions fall within the locality boundaries set out in Appendix One. A list of the members of each of the three Joint Committees is set out in Appendix 4.
- b) That the three Joint Committees replace the County Council's Area Committee and the Area Community Committees of Stratford on Avon District Council

2.2 Through the meeting of the Area Committee, we are seeking the views of elected members on the proposal and the following additional matters:

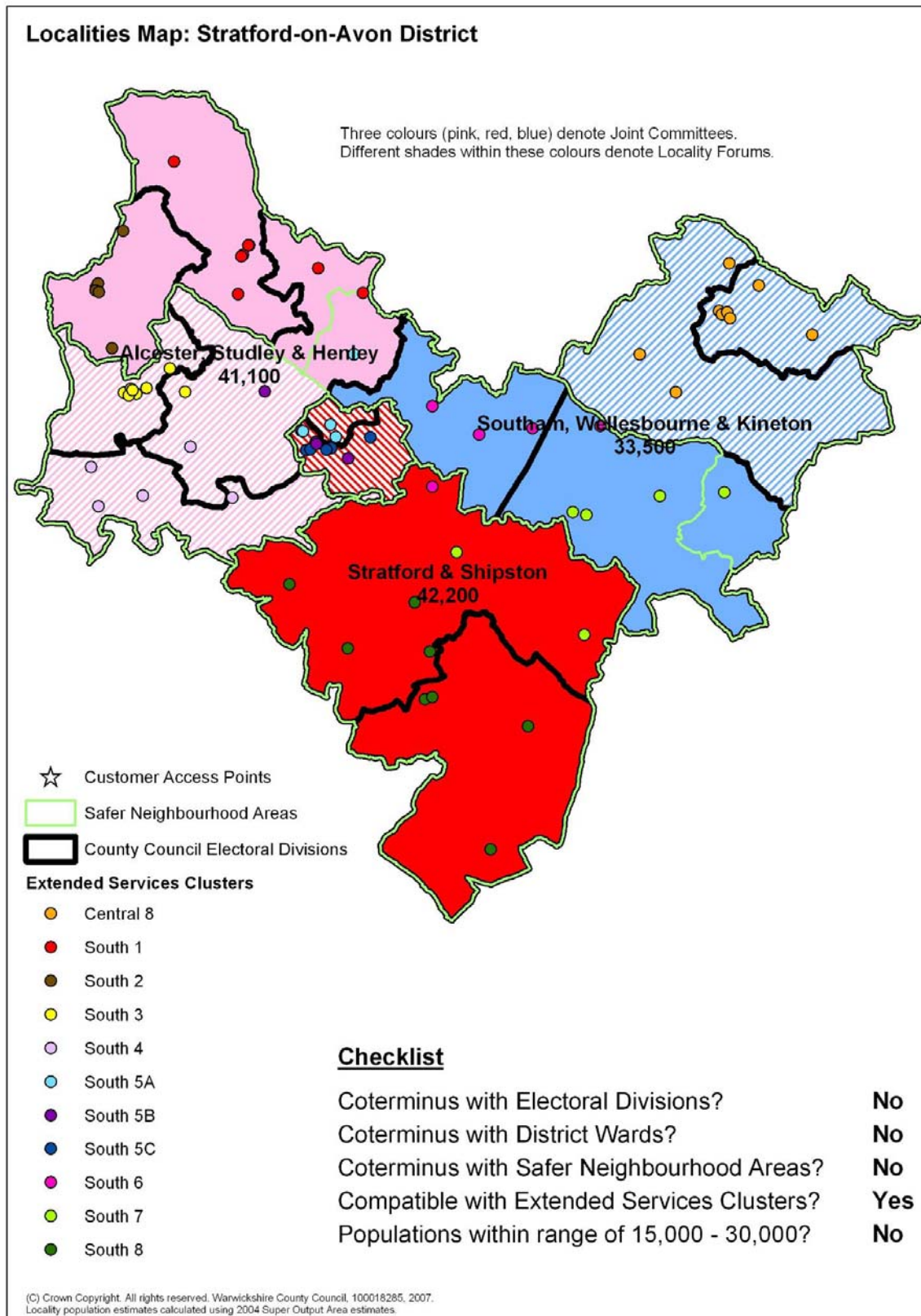
- The draft Standing Orders for the Joint Committees attached as Appendix 2
- The list of possible delegated functions for the Joint Committees attached as Appendix 3. This is currently 'work in progress' and is being reviewed by officers of both Councils. A later version will be available at the meeting.
- The timing that should apply to the implementation of the proposal
- The use of funds currently allocated by the Area Committee attached as Appendix 5

3. Progressing Matters

3.1 Officers will ensure that the issues identified by the Area Committee are accurately reported to meetings of the Cabinet on 24 April 2008 and the Council on 13 May 2008

3.2 It should be noted that a parallel process is being undertaken by Stratford District Council – using this paper as a basis for consultation and discussion

David Carter
Strategic Director of Performance and Development
January 2008



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
- 'Support Officer' means the officer nominated by the Councils to support the administration and effective operation of a Joint Committee
- '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 Where a matter under consideration by a Joint Committee may have implications or consequences for another Joint Committee within the Stratford-on-Avon District Council's boundary, there shall be an obligation to consult with that other Committee before any decisions are taken.
- 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 Proper 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 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.

6. 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 of 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 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 designated Support 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 two or more elected members raise a point about procedure or the conduct of the meeting, 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 or Vice Chair is not present to preside, another Member chosen by those Members present from amongst those Members representing the nominating body of the Chair shall preside for that meeting or if none, from the nominating body of the Vice Chair. Any such person shall have the same powers and duties as the Chair.

12. Quorum [To be considered in the context of SO 16 – Voting]

- 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 [three] Warwickshire County Council elected members and [insert] 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 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 [Draft wording – under discussion by both Councils]

- 16.1 Unless the law or these Standing Orders specifically require otherwise, all items of business will be decided by a majority of those present provided always that
- (i) In respect of those functions which have been delegated to a Joint Committee by the County Council as identified in Appendix 1 a majority of County Council Members appointed to the Joint Committee vote in favour;
 - (ii) In respect of those functions which have been delegated to a Joint Committee by the District Council as identified in Appendix 1 a majority of District Council Members appointed to the Joint Committee vote in favour;
 - (iii) In respect of functions which have been jointly delegated to a Joint Committee as identified in Appendix 1 a majority of both County Council Members and District Council Members appointed to the Joint Committee vote in favour.
- 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.

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 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 Joint Committee meetings have the greatest amount of flexibility to conduct business in the way that they consider is most effective.

- 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 both Councils 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 Proper Officer of each Council shall discuss the arrangements for the operation of call-in.
- 19.8 Where a decision of a Joint Committee is called-in, it cannot be implemented until the conclusion of the relevant call-in process.
- 19.9 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 Supporting 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.

27.1 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.

22.2 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 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 unless it contains exempt information as defined in Standing Order 27.5 below.

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 Councils before a final decision is made.

26. Access to Information and Confidentiality

- 26.1 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.
- 27.2 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
- 27.3 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.
- 27.4 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.
- 27.5 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.
- 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.

NOTE

APPENDIX 1 – The Functions of the Joint Committees (to be inserted once agreed)

APPENDIX 2 – The definition of exempt information (Standard legal definition as contained in WCC and SDC constitutions to be inserted)

Appendix 3

RESPONSIBILITIES OF WCC AREA COMMITTEES

Each Area 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 this constitution.

Function	Type of Function	Statutory reference
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 Section 3 Local Government Act 1999 and any other relevant enactment
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
To approve and monitor County Council district 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	Executive	Section 111 Local Government Act 1972; Section 3 Local Government Act 1999; Section 2 Local Government Act 2000 and any other relevant enactment
To encourage effective collaboration with public, voluntary and private sector partners locally to meet the aspirations of local people	Executive	Section 111 Local government Act 1972; Section 2 Local Government Act 2000 and any other relevant enactment
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
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; -		

Approving area business plan	Executive	Section 2, Local Government Act 2000
Approving area community plans	Executive	Section 2, Local Government Act 2000
Approving areas community learning plans	Executive	Section 2, Local Government Act 2000
Approving local environmental schemes	Executive	Section 2, Local Government Act 2000
Approval of local economic schemes	Executive	Section 2, Local Government Act 2000
Function	Type of Function	Statutory reference
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; -		
To discharge the Council's responsibilities to secure the provision of part-time education for 16 - 19 year olds and full and part-time education for over 19 year olds including approval, monitoring and review of the Area Community Education Development Plans	Executive	Section 15A, 15B and 508 Education Act 1986
Social services grants to voluntary organisations for local services wholly within the area of the committee	Executive	Section 65 Health Services and Public Health Act 1968
Community development grants and well-being grants	Executive	Section 2, Local Government Act 2000 and Section 111 of Local Government Act 1972
School crossing patrols – consideration of outcomes of three year review in local area. Decisions on (dis)establishment when a vacancy occurs in the interim period	Executive	Section 26, Road Traffic Regulation Act 1984
Approving changes to Schools Priority Areas	Executive	Section 89 Schools Standards and Framework Act 1998
Appointment to local trusts, voluntary bodies etc where the body operates wholly within their area. NB The Regulatory Committee retains	Non-executive	Any enactment conferring a power to make such appointments other than those appointments reserved to the Council or

responsibility for the overall distribution of places between the political groups and independent members on the Council		the Executive of either Council by law or other provision within the constitution of either Council
Appointment of LEA school governors NB The Regulatory Committee retains responsibility for the overall distribution of places between the political groups and independent members on the Council	Non-executive	Section 36 School Standards and Framework Act 1998, Section 19 and 39(1) Education Act 2002 and any other enactment conferring a power to make such appointments
Appointment of County Council representatives to Area Community Education Councils	Non-executive	Section 111 Local Government Act 1972
Oversight of other locally based bodies	Executive	Section 111 of Local Government Act 1972 and any other relevant enactment
Function	Type of Function	Statutory reference
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; -		
The opening hours of local waste disposal sites provided no additional cost is involved	Executive	Section 51 Environment Protection Act 1990
Road traffic management and accident prevention schemes and road traffic regulation	Executive	Road Traffic Regulation Act 1984 and any other relevant enactment
Public transport/rural transport and community transport	Executive	Road Traffic Regulation Act 1984 and any other relevant enactment
The stopping up or diversion of highways	Executive	Section 116 Highways Act 1980
The diversion and stopping up of footpaths and bridleways	Non-executive	Section 118 and 119 Highways Act 1980
Power to create footpath or bridleway by agreement	Non-executive	Section 25 Highways Act 1980
Power to create footpaths and	Non-	Section 26 Highways Act

bridleways	executive	1980
Power to stop up footpaths and bridleways	Non-executive	Section 118 Highways Act 1980
Power to determine an application for public path extinguishment order	Non-executive	Sections 118ZA and 118C(2) Highways Act 1980
Power to make a rail crossing extinguishment order	Non-executive	Section 118A Highways Act 1980
Powers to make special extinguishment orders	Non-executive	Section 118B Highways Act 1980
Powers to divert footpaths and bridleways	Non-executive	Section 119 Highways Act 1980
Power to make a public path diversion order	Non-executive	Section 119ZA and 119C(4) Highways Act 1980
Power to make a rail crossing diversion order	Non-executive	Section 119A Highways Act 1980
Power to make a special diversion order	Non-executive	Section 119B Highways Act 1980
Power to require applicant for an order to enter into agreement	Non-executive	Section 119C Highways Act 1980
Power to make an SSSI (site of special scientific interest) diversion order	Non-executive	Section 119D Highways Act 1980
Function	Type of Function	Statutory reference
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; -		
Power to decline to determine certain applications	Non-executive	Section 121C Highways Act 1980
Duty to assert and protect the rights of the public to the use and enjoyment of highways	Non-executive	Section 130 Highways Act 1980
Duty to serve notice of proposed action in relation to obstructions	Non-executive	Section 130A Highways Act 1980
Power to apply for a variation order under Section 130B Highways Act 1980	Non-executive	Section 130B(7) Highways Act 1980

Power to authorise temporary disturbance of surface of footpath or bridleway	Non-executive	Section 135 Highways Act 1980
Power to temporarily divert footpath or bridleway	Non-executive	Section 135A Highways Act 1980
Functions relating to the making good of damage and the removal of obstructions	Non-executive	Section 135B Highways Act 1980
Powers relating to the removal of things so deposited on highways as to be a nuisance	Non-executive	Section 149 Highways Act 1980
Power to extinguish certain public rights of way	Non-executive	Section 32 Acquisition of Land Act 1981
Power to include modifications in other orders	Non-executive	Sections 53A Wildlife and Countryside Act 1981
Duty to reclassify roads as public paths	Non-executive	Section 54 Wildlife and Countryside Act 1981
Power to re-designate footpath as cycle track	Non-executive	Section 3 Cycle Tracks Act 1984
Power to extinguish public rights of way over land acquired for clearance	Non-executive	Section 294 Housing Act 1981
Power to authorise stopping up or diversion of footpath or bridleway	Non-executive	Section 257 Town and Country Planning Act 1990
Power to extinguish public rights of way over land held for planning purposes	Non-executive	Section 258 Town and Country Planning Act 1990
Power to enter into agreements with respect to means of access	Non-executive	Section 35 Countryside and Rights of Way Act 2000
Function	Type of Function	Statutory reference
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; -		
Power to provide access in the absence of agreement	Non-executive	Section 37 Countryside and Rights of Way Act 2000

Power to permit deposit of builder's skip on highway	Non-executive	Section 139 of the Highways Act 1980
Power to license planting retention and maintenance of trees etc in part of highway	Non-executive	Section 142 of the Highways Act 1980
Power to authorise erection of stiles etc on footpaths or bridleways	Non-executive	Section 147 Highways Act 1980
Power to grant a street works licence	Non-executive	Section 50 of the New Roads and Street Works Act 1991
Power to license works in relation to buildings etc which obstruct the highway	Non-executive	Section 169 of the Highways Act 1980
Power to consent to temporary deposits or excavations in streets	Non-executive	Section 171 Highways Act 1980
Power to dispense with obligation to erect hoarding or fence	Non-executive	Section 172 Highways Act 1980
Power to restrict the placing of rails, beams etc over highways	Non-executive	Section 178 Highways Act 1980
Power to consent to construction of cellars etc under street	Non-executive	Section 179 Highways Act 1980
Power to consent to the making of openings into cellars etc under streets and pavement lights and ventilators	Non-executive	Section 180 Highways Act 1980
Power to authorise stopping up or diversion of highway	Non-executive	Section 247 of the Town and Country Planning Act 1990

RESPONSIBILITIES OF SDC AREA COMMUNITY COMMITTEES

Some of the delegations to Area Community Committees of the district council are drafted in more general terms. On the basis that the starting point for the district council's delegations is to reflect the existing powers of the Area Community Committees, all of the business conducted by the Area Community Committees in 2006 and 2007 has been checked prior to drafting the delegations below. In some cases some drafting changes are proposed in order to make clear the extent of the power delegated.

Decision Making Powers

Function	Type of Function	Statutory reference
To discharge the Council's functions in respect of the management and protection of archaeological sites, including those scheduled as ancient monuments and buildings of special or historic interest	Executive	Ancient Monuments and Archaeological Areas Act 1979
To discharge the Council's functions in respect of the following environmental initiatives: (a) Areas of Outstanding Natural Beauty (b) Designation of Sites of Interest for Nature Conservation (c) Designation of Sites of Special Scientific Interest (d) Designation of Sites as Local Nature Reserves	Executive	(a) Countryside and Rights of Way Act 2000. (b) Natural Environment and Rural Communities Act 2006, and Local Government Act 1972 (c) Wildlife and Countryside Act 1981
To adopt, in the following circumstances, Parish Appraisals or Plans and Village Design Statements which, in the opinion of the Chief Executive do not conflict with District Council Policy: (a) Parish Appraisals or Plans as a local information source. (b) Parish Appraisals or Plans as a material consideration in dealing with planning applications in accordance with provisions in the District Local Plan. Village Design Statements as	Executive	Compulsory Purchase Act 2004 and Local Government Act 1972

Function	Type of Function	Statutory reference
Supplementary Planning Guidance		
To approve supplementary planning guidance in relation to the designation and alteration of conservation areas, areas of archaeological interest and nature reserves and the removal of permitted development rights through Article 4 Directions.	Executive	Planning (Listed Building and Conservation) Act 1990 Town and Country Planning (General Permitted Development) Order 1995
To administer revenue and capital grants	Executive	Local Government Act 2000
To determine such matters of particular local significance as are delegated by the Executive		
Power 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

Advisory Powers

- (1) To carry out consultation annually in order to advise the Executive of the needs and priorities to be addressed in the Community Strategy;
- (2) To advise the Council, the Executive or an appropriate committee on matters affecting the Area concerned;
- (3) To advise other bodies on matters affecting the Area concerned.

Stratford-on-Avon Joint Committees – Proposed Membership (March 2008)

Stratford and Stour	Councillor	Council
	Dill Russell,	WCC
	Hyde,	WCC
	Perry	WCC /SDC
	I Seccombe,	WCC/SDC
	Saint	WCC/SDC
	Bates	SDC
	Beamer	SDC
	Beckett	SDC
	Beese	SDC
	Brain	SDC
	Fradgley	SDC
	Gardner	SDC
	Grey	SDC
	Moorse	SDC
	Organ	SDC
	Roache	SDC
	Russel	SDC
	Seaman	SDC
	P. Seccombe	SDC
	Short	SDC
	White	
TOTAL		20 members (WCC x 2 SDC x 15, Joint x 3)

Wellesbourne/Kineton, Southam/Feldon	Councillor	Council
	Booth,	WCC
	Appleton	WCC / SDC
	R. Hobbs	WCC /SDC
	Main	WCC/SDC
	Stevens	WCC/SDC
	Akeister	SDC
	Barton	SDC
	Close	SDC
	Jackson	SDC
	Mills	SDC
	Rock	SDC
	Williams	SDC
	Patrick Williams	SDC
	Wise	SDC
	Wixey	SDC
	Wright	SDC
TOTAL		16 members (WCC x 1 SDC x 11, Joint x 4)

Alcester\Bidford\Aston Cantlow, and Henley\Studley\Aston Cantlow	Councillor	Council
	Atkinson	WCC
	Knapman	WCC
	McCarthy	WCC
	R. Hobbs	WCC/SDC
	Barnes	WCC/SDC
	Adams	SDC
	Beaman	SDC
	Bowring	SDC
	Dixon	SDC
	Flower	SDC
	Harrison	SDC
	Val Hobbs	SDC
	James	SDC
	Juned	SDC
	Lawrence	SDC
	Marshall	SDC
	Payne	SDC
	Pemberton	SDC
	Slaughter	SDC
	Thirlewell	SDC
	Topham	SDC
	Weddell	SDC
	Wright	SDC
TOTAL		23 members (WCC x 3 SDC x 18, Joint x 2)

Suggested Funding Arrangements – Stratford on Avon

Background

Both the District Council and the County Council provide funding for projects within the District. The County Council provides support to community and voluntary groups through three funds – Community Development Fund (£32680), Well being Fund (£63,000) & Social Inclusion Fund (£50,400). The District Council provides a total of £200,000 capital and £44,000 revenue (divided equally) through the four Area Community Committees. If both County & District Councils funds are combined the total is £390,080.

The County Council funds are administered through the Stratford Area Office whilst the District Council has a Community Grants Team that provides support to the community grants process.

The County Council has recently undertaken a Value for Money (VfM) review of Area Committee funds. The outcome of the review has yet to be considered by Cabinet and at this stage the views of the County Councils Area Committees are being requested on the proposals. In the case of Stratford on Avon Area Committee the review needs to be considered in the context of the locality proposals.

The review recommends that the funds are merged into a single Area Community Fund.

The Fund would be used for the following purposes:

- To support the delivery of cross-cutting local strategic priorities as identified by the Area Committee
- To support community-led initiatives to meet locally identified needs

The review also proposes flexibilities in the use of the Fund:

- To agree an appropriate allocation between small grants for community-led initiatives and larger strategic grants
- To use the funds to support a sustainable community infrastructure where appropriate (rather than necessarily for new and short-term projects).
- To align, 'pool' or supplement the Fund with other appropriate local funds so long as there are robust and agreed arrangements for management and accountability.
- To develop local mechanisms to enhance the role of Locality Forums in deciding the use of funds (for instance through setting local priorities, or through 'ring-fencing' funds for each Locality).

Proposed Funding Arrangements

In line with the VfM review it is suggested by the County Council that the funds administered by the Area Committee are merged into a single joint fund. This fund is then pooled with funds available through the District Councils Area Community Committees. This would provide a total of £390,080 to be distributed by the three joint committees.

One option is that the pooled fund is divided equally between the three Joint Committees. Each Joint Committee would have a total of £130026 to distribute. Alternatively the pooled fund could be divided between the Joint Committees based on their respective populations

The pooled fund in each Joint Committee would have two elements. One is a fund that groups and organisations submit application. The second is to support projects developed within the locality forums.

Community Grants Fund

A Community Grants Fund should be established to which local groups and organisations (including Town & Parish Councils) can make an application. The Fund would receive applications on a rolling programme up to the point at which resources for the financial year are allocated. Criteria would need to be agreed by both District & County Council for the use of this fund. The criteria should clearly indicate the type of project that would, and would not, be supported.

The aim should be to reach a decision on the Community Grant applications within three months from receipt of a completed application form. A maximum grant needs to be agreed, probably greater than that available through the Community Development Fund which is currently £5000. It is suggested that the maximum grant could be £7500.

Within the Community Grants Fund a Small Grants Fund could be established to enable a "fast track" for grants of less than £500. Typical grants would be to provide some start up funds for new groups or funds for small items for established groups. The Small Grants Fund could be worth £5000 in each Joint Committee area. The aim would be that from submission of a fully completed application to decision should be 1 month.

Locality Initiatives Fund

The Locality Initiatives Fund would be used to support initiatives within the localities. The Joint Committees would set the priorities for the use of the fund, which would reflect priorities identified by the Locality Forums, Local Strategic Partnership or in support of initiatives that contribute towards the Local Area Agreement.

Projects could be developed by the Locality Forums or by Theme Groups of the Local Strategic Partnership that would address the priorities set by the Joint Committees.

All project proposals for the Fund would be considered by the Joint Committee(s).