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# Stroud District Council

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# Meetings of the Council

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This section of the Constitution provides a summary of the Council bodies and the detailed terms of reference for each of those bodies. The terms of reference explain the areas of work that will be considered by each body.

## Summary of Council Bodies

Meeting	Number of Councillors	Notes
<b>Council</b>	All 51 members	<u>None</u>
<b>Strategy and Resources</b>	13	<p>The chair of this committee is the Leader of Council.</p> <p>The Chair of the Community Services, Environment and Housing committees will each have seats on the Committee as will the leaders of each political group.</p> <p>A member of the Committee will be appointed to chair the Council's <del>District Planning Review Body</del><u>Strategic Planning Advisory Board</u> which shall consider issues affecting the delivery of the Council's strategic planning policies; review planning appeal decisions which have key implications for the Council's strategic planning policy or planning performance; and where appropriate make recommendations on the above matters to the Strategy &amp; Resources Committee to promote the continuous improvement in planning performance and planning policy strategy.</p>
<b>Community Services and Licensing</b>	12	<p>This committee has a sub-committee known as the Licensing Panel which determines relevant licensing applications. The Panel comprises 3 Councillors who are trained on licensing matters and who are members of the committee.</p> <p>No Councillor whose employment or business involves dealing with licensing matters within the district should be a member of the Licensing Panel. All Councillors and their appropriate Group Leaders must consider the appropriateness of their involvement in the Panel. They are required to make a reasonable assessment of whether their professional interests would preclude them from sitting on the Panel and / or committee. Advice should be sought from the Monitoring Officer in advance of any appointments. It is anticipated that a cautious (whilst practical) approach in the interests of the Council should generally be taken.</p>
<b>Environment</b>	12	<u>None</u>
<b>Housing</b>	12 + up to 2 Co-opted members	The two co-opted members act as representatives of the Council tenants and are entitled to speak (but not vote) on matters concerning Council housing. The Committee also holds a variety of events which seek to maximize tenant engagement and effective consultation by the Council on issues affecting its housing.
<b>Audit and Standards</b>	<u>911</u>	In addition to this committee, the Council has a Standards Panel which is comprised of the Chair of <del>Council the Audit and Standards Committee</del> (or in <del>their</del> <u>their</u> absence the Vice-Chair), <u>two other district councillors, one</u> <del>two</del> Parish / Town Councillors and <u>one</u>

		independent <del>members person</del> who <del>are is</del> co-opted to the <del>Council Standards Panel</del> to determine reports that <del>D</del> istrict or Parish / Town Councilors have breached their Members' Codes of Conduct in accordance with the procedures set out in this constitution.
<b>Development Control</b>	12	No Councillor whose employment or business involves dealing with planning matters within the district should be a member of the Development Control Committee.

## Terms of Reference

### FULL COUNCIL

The full Council primarily undertakes the following work, although it ultimately responsible for all functions of the Council:

1. Adopting and making substantive changes to the Constitution;
- ~~2.~~ Approving or adopting the Annual Budget and ~~any amendments to it which cannot be made by other bodies pursuant to the Constitution or the Financial Rules~~
- ~~2.3.~~ Setting the Council Tax;
- ~~3.4.~~ Any application to the Secretary of State in respect of any Housing Land Transfer;
- ~~4.5.~~ Agreeing and/or amending the terms of reference for committees, deciding on their composition and appointing ~~the chairmen~~ and vice chairmen ~~to of~~ them<sup>4</sup>;
- ~~6.~~ Decisions relating to the creation of sub committees are reserved to Council and shall not be undertaken by committees themselves;
- ~~5.7.~~ Electing the non-executive Leader of the Council;
- ~~8.~~ Adopting a members' allowances scheme;
- ~~6.9.~~ Adopting Codes of Conduct for members;
- ~~10.~~ Confirming the appointment, dismissal or retirement of the Head of Paid Service, ~~Monitoring Officer or Section 151 Officer~~;
- ~~7.11.~~ Appointing the Returning Officer and Electoral Registration Officer
- ~~8.12.~~ Approving the proposals for salary packages or severance payments of £100,000 or more;
- ~~9.13.~~ Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- ~~10.14.~~ All other matters which by law must be reserved to Council including but not restricted to the approval of the Local Plan;
- ~~11.15.~~ Approving joint arrangements as necessary, with one or more local authorities to carry out such functions as it considers appropriate, including the appointment of a Joint Committee.

### COMMITTEES <sup>4</sup>

The terms of reference of committees are not an exhaustive list and should be interpreted broadly. Generally, committees are tasked with undertaking all functions associated with their broad purpose and terms of reference. This may include dealing with strategies, policies and performance monitoring as opposed to the detail of service delivery.

The terms of reference of committees need to be balanced with the delegations to officers. The expectation is that officers will be able to take decisions to further the objectives, policies and strategies set by committees.

With the exception of those matters delegated to officers and the Development Control Committee which has a quasi judicial role, all committees will have responsibility for the following as relevant to their functions:

- All strategies and policies associated with their functions that are not reserved for Council;
- Over-viewing and scrutinising the outcomes of projects with reference to the effective delivery of the Council's Corporate Delivery Plan, including its Jobs and Growth Strategy (and / or other key corporate policies / strategies as may be adopted from time to time);
- Setting of fees and charges, monitoring budget and performance management;
- Engagement with the business, statutory, voluntary and community sectors;
- Establish ad hoc task and finish groups to consider matters and report to committee;
- Appointments to outside bodies pertinent to their other terms of reference.

With the exception of the Development Control Committee, at the commencement of each civic year, each committee will produce a work plan report to help promote the committee's scrutiny work.

### **Performance Reporting Arrangements**

Any two members of each committee will meet on quarterly basis with senior management teams in non decision making informal meetings. These members will then report back to committees on an exception basis to report highs and lows.

### **Strategy and Resources Committee <sup>2,3</sup>:**

The broad portfolio of the committee covers the following functions with the exception of those matters delegated to officers.

- Resources and finance including the development of [the annual budget, medium term financial strategy and capital programme and the associated](#) recommendations to Council;
- Revenues and Benefits
- Development and recommendation to Council of the Council Plan;
- Maintaining strategic oversight of all Council services, including oversight of resources, performance and risks;
- Commissioning, procurement and management of external contractors on matters falling within the Committee's area of responsibility, and to maintain strategic oversight of the Council's commissioning and procurement processes;
- Liaison with external partners including the oversight of the Council's relationships with partner organisations, and involvement in formal and informal partnerships, in matters falling within the committee's area of responsibility, including strategic relationships with government and Gloucestershire County Council;
- Economic development;
- Overview in reviewing the Local Plan;
- Asset management, including approval of the Asset Management Strategy;
- Organisational Health and Safety (supported by the Joint Safety Committee)
- Jobs and growth;

- Functions in relation to fair pay policy and senior appointments, including the ability to establish an appointments and employment panel to deal with:
  - The recruitment of the Chief Executive and other Chief Officers;
  - Variation of the terms and conditions of employment of the Head of Paid Service;
  - Recommendation to Council on the appointment or dismissal of the Chief Executive (Head of Paid Service), Monitoring Officer or Section 151 Officer and in relation to dismissal only following the report of a Designated Independent Person;
  - To appoint a panel and consider the report of the same pursuant to Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015/881 on disciplinary action in relation to the Chief Executive, Monitoring Officer or ~~Chief Financial Officer~~ Section 151 Officer.

### **Community Services and Licensing Committee** <sup>1,2,3:</sup>

The broad portfolio of the committee covers the following functions with the exception of those matters delegated to officers.

- Licensing<sup>1</sup>;
- Community safety including crime, disorder and antisocial behaviour;
- Leisure Services
- ~~Cultural services;~~
- Public spaces, including play areas;
- Revenues and benefits;
- Community Grants and Crowdfunding
- Health and well being;
- Voluntary and Community sector;
- Inclusivity and tackling disadvantage;
- ~~—~~
- To undertake the statutory scrutiny function of the Stroud District Community Safety Partnership.
- Emergency planning
- Youth service

In respect to its ~~key~~ function of licensing, the committee has responsibility for:

- ~~All the licensing functions of the Council including the power to hear and determine on behalf of the Council, any appeal by any person aggrieved by a decision of an officer where the initial right of appeal is to the Council through a Licensing Panel.~~
- ~~To consider and recommend to Council on all matters concerning licensing.~~
  - i. To review and make recommendations to Council upon policy in relation to licensing matters under the Licensing Act 2003 and the statement of licensing policy;
  - ii. To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, within agreed policy;

- iii. To arrange for the discharge of any of the licensing functions exercisable by the Committee to an Officer of the Licensing Authority subject to the limitations set out in Section 10(4) of the Licensing Act 2003;
- iv. To review and make recommendations to Council upon policy in relation to licensing matters under the Gambling Act 2005 and the statement principles;
- v. To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy;
- vi. To arrange for the delegation of any of the licensing functions exercisable by the Committee to an Officer of the Licensing Authority subject to the limitations set out in Section 154 of the Gambling Act 2005;

### General Licensing Matters

- vii. To ~~make~~ review and adopt licensing policy for any matters that are not required by legislation to be adopted by Council;
  - To review and make decisions in accordance with Council policy in licensing matters under the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 (Sex Establishments) and Schedule 4 (Street Trading) Local Government Miscellaneous Provisions Act 1976 and Town Police Clauses Act 1984 (taxi and private hire) and Scrap Metal Dealers Act 2013.
- viii. To discharge the Council's functions as a Licensing Authority under the legislation in paragraph vii within agreed policies;
- ix. To arrange for the delegation of any of the licensing functions exercisable by the Committee to an officer of the Licensing Authority subject to the limitations set out in- the legislation listed in paragraph vii ;
- x. To discharge all licensing functions of the Council not reserved to Full Council;

Licensing Sub Committees will be comprised of 3 members of the Community Services and Licensing Committee

A Licensing Act Subcommittee shall have responsibility for:

### Licensing Act 2003

- i. Application for a personal licence if any objection is made;
- ii. Application for a personal licence where a person has any unspent convictions;
- iii. Application for a premises/club premises licence if a representation is made;
- iv. Application for a provisional statement if representation is made;
- v. Application to vary the DPS if the police object;
- vi. Application for the transfer of premises licence if the police object;
- vii. Application for interim authority if the police object;
- viii. Application to review a premises/club premises licence

- ix. Decision to object when the Councils a consultee and not the Licensing Authority; and  
x. 10. Application for a temporary event notice when the police object.

#### Gambling Act

- xi. Application for a premises licence where representations have been received;  
xii. Application to vary a premises licence where representations have been received;  
xiii. Application to transfer a licence where representations have been received;  
xiv. Application for a provisional statement where representations have been received;  
xv. Review of a premises licence;  
xvi. Application for club gaming machine permits where representations have been received;  
xvii. Cancellation of a club gaming machine permit; and  
xviii. Application for more than 4 gaming machine permits in a licensed premises.

#### Street Trading

Matters referred to a Licensing Sub Committee in accordance with the Council's Street Trading Policy

#### Taxi and Private Hire

Matters referred to a Licensing Sub Committee in accordance with the Council's Taxi and Private Hire Policy

#### Sex Establishments

Matters referred to a Licensing Sub Committee in accordance with the Council's Sex Establishments Policy

#### Scrap Metal Dealers

Matters referred to a Licensing Sub Committee in accordance with the Scrap Metal Dealers Act 2013

The General Licensing Subcommittee shall have responsibility for making decisions about individual licensing matters and appeals where not otherwise delegated to officers in accordance with the Scheme of Delegation.

Each Member of the committee is required to complete in full an induction programme; undertake regular training; and attend development updates in relation to the licensing function. Any Member not undertaking these training activities will be unable to serve on the Licensing Panel until such time that the full training requirement has been met.

#### **Environment Committee <sup>2,3</sup>:**

The broad portfolio of the committee covers the following functions with the exception of those matters delegated to officers:

- Strategic planning of the Local Plan;
- Statutory Building Control;

- Matters requiring member decisions relating to public rights of way, traffic orders, street lighting, street naming and numbering and dangerous land (as defined in the Highways Act 1980);
- Green spaces, open spaces and grounds maintenance;
- Waste and recycling;
- Street Cleansing;
- Environmental health;
- Canal;
- Carbon management;
- Ecology and Climate;
- Air Quality;
- Public Conveniences-
- To resolve to make an 'Area of Special Control' under the Advertisement Regulations;

### **Housing Committee** <sup>2,3</sup>:

~~Since the 1<sup>st</sup> December 2016,~~ The broad portfolio of the committee covers the following functions with the exception of those matters delegated to officers:

- Oversight of performance management and statutory compliance in relation to the councils housing authority role, including compliance with all Social Housing Regulations and associated legislation
- Public and private housing issues affecting the Council's housing authority roles; ~~and~~
- Housing Policy.
- Housing advice, homelessness prevention and housing register;
- Affordable and social housing;
- Disabled facilities grants;
- Empty dwellings;
- Private-sector housing support and enforcement;
- Play areas

### **Development Control Committee** <sup>1,2,3</sup>:

The committee has responsibility for discharging the following functions:

- Statutory development and planning control and public rights of way including all orders and necessary actions in respect of highways affected by development
- Consider and report on such matters as referred by Council or the Environment Committee.

Unless delegated to officers in accordance with the Scheme of Delegation, the Committee shall have responsibility for making decisions under the Town and Country Planning Act 1990 (as amended) and Planning (Listed Buildings and Conservation Areas) Act 1990, including:

- The granting of permissions, or approvals;
- Refusals of permissions;



- iii. Applications for listed building and conservation area consent;
- iv. Resolution to make and confirm tree preservation orders;
- v. Orders under Section 215 relating to maintenance of waste land and resolution to prosecute for noncompliance with an order;
- vi. Resolution to serve enforcement notices and listed building enforcement notices and service of "stop notices", or resolution to prosecute in the case of failure to comply with any type of confirmed order;
- vii. Resolution to serve a repairs notice and to carry out urgent works to preserve listed buildings under Sections 48 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- viii. Resolution to prosecute for the unauthorised display of advertisements.
- ix. Agreements under Section 106 of the Town and Country Planning Act 1990 (as amended);
- x. Notices under Section 79 of the Building Act 1984;
- xi. To respond to consultations on any planning applications to be carried out by and/or determined by other Authorities, Agencies or Government Departments;
- xii. The determination of applications for development to be carried out by the Council;
- xiii. To resolve to secure the preservation of a building under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or such other relevant legislation as may be enacted thereafter;

Setting of fees and charges, monitoring budget and performance management

All Members and officers involved in the Development Control Committee and the planning process will have due regard to, and abide by, the member protocol on planning.

Members must attend DC training annually. New Members must attend induction training before they can sit on the Committee. Any Member not undertaking these training activities will be unable to serve on the Committee until such time that the full training requirement has been met.

<p><b>Audit and Standards Committee</b></p> <p>The Chair of the Audit and Standards Committee to be drawn from</p>	<p><b>(1) Statement of Purpose</b></p> <ul style="list-style-type: none"> <li>• The Audit and Standards Committee is a key component in the Council's corporate governance structure ensuring compliance and maintenance of high ethical standards. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.</li> <li>• The purpose of the Committee is to provide independent assurance to Council of the adequacy of the risk management</li> </ul>
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<p>outside the group or groups forming the administration.</p> <p>To include an Independent Member who is not a Councillor or an officer of the Council.</p> <p><u><a href="#">The quorum for meetings of the Audit and Standards Committee shall be 5 members</a></u></p>	<p>framework and the internal control environment. It provides independent review of the council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.</p> <p><b>(2) Governance, Risk and Control</b></p> <ul style="list-style-type: none"> <li>• To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local Code of Corporate Governance.</li> <li>• To review and approve the Annual Governance Statement (AGS) and consider whether it properly reflects the risk environment, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.</li> <li>• To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.</li> <li>• To consider the adequacy of Council's framework of assurance i.e. the Three Lines of Defence model.</li> <li>• Undertaking regular monitoring of the Council's treasury management policies and practices.</li> <li>• To monitor the effective development and operation of risk management in the Council and to monitor progress in addressing risk-related issues reported to the committee.</li> <li>• To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.</li> <li>• <u>To review the governance and assurance arrangements for significant partnerships or collaborations.</u></li> <li>• <u>To receive assurance regarding the operation of the Councils in-house leisure services</u></li> </ul> <p><b>(3) Ethical Governance / Conduct</b></p> <ul style="list-style-type: none"> <li>• To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.</li> <li>• To monitor the counter-fraud strategy, actions and resources.</li> <li>• To be responsible, in consultation with the Monitoring Officer, for all matters relating to the Members Code of Conduct</li> <li>• Keeping under review a Code of Conduct to promote high ethical standards amongst Officers and to promote and maintain high standards of conduct by Officers.</li> <li>• Keeping under review the Council's 'whistle-blowing' policy.</li> <li>• Keeping under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman.</li> <li>• To promote, maintain and assist the achievement of high standards of conduct by Councillors and co-opted members in accordance with the Council's Code of Conduct for Members.</li> <li>• To monitor the operation of the Code of Conduct for Members and be responsible for dealing with any matters referred to the Committee by the Monitoring Officer.</li> </ul>
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- To advise the Council on any amendment or revision of the Code.
- To secure mandatory training of Councillors and co-opted Members on the Code of Conduct for Members.
- To keep under review the Register of Members' Interests maintained by the Monitoring Officer.
- To keep under review the Register of Gifts and Hospitality maintained by the Monitoring Officer
- To establish a Sub-Committee to hear allegations that Members have failed to comply with the Authority's Code of Conduct.
- To assess and review allegations of Member misconduct and to determine allegations of Member misconduct.

#### **(4) Internal Audit**

- To approve the Internal Audit Charter and Code of Ethics.
- To review proposals made in relation to the appointment of external providers of internal audit services.
- To review and approve the risk-based internal audit plan.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements, including significant consulting services not already included in the audit plan, prior to acceptance of the engagement, if this materially impacts on core assurance activity.
- To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.
- To contribute to the Quality Assurance and Improvement Programme (QAIP) and to the external quality assessment of internal audit that takes place at least once every five years.
- To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services.
- To consider the Head of Internal Audit's annual report and the opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- To provide free and unfettered access to the committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee.

#### **(5) External Audit**

	<ul style="list-style-type: none"> <li>• To support the independence of external audit through consideration of the external auditor’s annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments Ltd (PSAA) or the authority’s auditor panel as appropriate.</li> <li>• To consider the external auditor’s annual letter, relevant reports and the report to those charged with governance.</li> <li>• To monitor management’s response to the External Auditor’s findings and the implementation of External Audit recommendations.</li> <li>• To commission work from internal and external audit.</li> <li>• To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.</li> </ul> <p><b>(6) Financial Reporting</b></p> <ul style="list-style-type: none"> <li>• To review and approve the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.</li> <li>• To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.</li> </ul> <p><b>(7) Accountability Arrangements</b></p> <ul style="list-style-type: none"> <li>• To report to those charged with governance on the Committee’s findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.</li> <li>• To report to full council on a regular basis on the Committee’s performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.</li> <li>• To publish an annual report on the work of the Committee.</li> </ul> <p><b>Note:</b> The Committee has the right to require the attendance of any council officers or members in order to respond directly to any issue under consideration. In addition, the Committee has clear rights of access to other committees/functions, for example service committees, risk management group and other strategic groups.</p>
<p>Sub-Committee</p> <p>5 Councillors proportional to the political composition of the Council. Two Independent Persons</p>	<ol style="list-style-type: none"> <li>1. To receive reports referred from the Monitoring Officer following investigations into complaints against District and Parish Councillors and other steps associated with that function.</li> <li>2. To conduct standards hearings and all other steps associated with that function in relation to the District and Parish Councils, including the imposition of sanctions for District Councillors and making recommendations on sanctions to Parish Councils taking into account the advice of the Independent Person.</li> </ol>

<p>Quorum of 3 present for its duration which must include at least one Independent Person</p>	<p>3. If the panel determines that a breach of the Authority's Code of Conduct has occurred, the panel can impose one or more of the following if appropriate:</p> <ul style="list-style-type: none"> <li>a) Censure;</li> <li>b) Report to Council;</li> <li>c) Recommend actions to the Leader of the Council;</li> <li>d) Recommend actions to Group Leader;</li> <li>e) Removal from Outside Bodies;</li> <li>f) Withdrawal of facilities, such as Council email/website/internet access;</li> <li>g) Exclusion from the Council offices or other premises with the exception of meeting rooms as necessary for attending Council, Committees or Sub-Committees and/or nominating a single point of contact; and/or</li> <li>h) Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology.</li> </ul> <p><u>4.</u> To set-up when necessary an interview panel comprising of the lead members of each party to shortlist and interview candidates for the role of Independent Person.</p> <p><u>5.</u> To recommend successful candidates to the Council to be chosen by a majority of Councillors.</p>
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**Notes:**

**1. Whipping**

Within the context of the quasi-judicial functions of the Council undertaken by the Development Control Committee, the Audit and Standards Committee and the Licensing Committee, the whip must not be applied by any of the political groups on their Members when they are undertaking such functions. No political meetings of the committee shall consider any such quasi-judicial business of these committees. For the avoidance of doubt, all members of these committee are required to act in accordance with the specific protocols and guidance that the Council may issues from time to time in connection with such quasi-judicial functions.

**2. Task and Finish Groups**

The Strategy and Resources, Community Services and Licensing, Environment and Housing Committees have the ability to establish task and finish groups to consider matters and report to committee, normally with a maximum life of three months.

**3. Joint Meetings**

Joint meetings of committees may take place when required to consider a matter that crosses two committee areas.

**4. Procedure when a Councillor resigns from a committee or stops being a Councillor**

A Councillor can resign from a committee by notifying the Chief Executive or Monitoring Officer in writing. If someone stops being a Councillor or resigns from a committee, the Group Leader of the relevant political group (if any) or in their absence

their deputy) can nominate a replacement committee member who will fill the vacancy immediately. The replacement member's appointment will be confirmed at the next Council meeting.