

COUNCIL

Friday, 21 April 2006

11.00 a.m.

Council Chamber Council Offices
Spennymoor

AGENDA and REPORTS

AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

To notify the Chairman of any items that appear later in the agenda in which you may have an interest.

3. MINUTES

To confirm as a correct record the Minutes of the meeting held on

(a) **24th February 2006** (Pages 1 - 10)

(b) **30th March 2006** (Pages 11 - 12)

4. MAYOR'S ANNOUNCEMENTS

5. ARRANGEMENTS FOR THE REVIEW OF THE CONSTITUTION

Report of Chief Executive Officer (Pages 13 - 28)

6. ROYAL GARDEN PARTIES

Report of Chief Executive Officer (Pages 29 - 30)

N. Vaulks
Chief Executive Officer

Council Offices
SPENNYMOOR

10th April 2006

Councillor J.K. Piggott (Mayor) and

All other Members of the Council

ACCESS TO INFORMATION

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Liz North 01388 816166 ext 4237

Item 3a

SEDGEFIELD BOROUGH COUNCIL

Council Chamber
Council Offices
Spennymoor

Friday,
24 February 2006

Time: 11.00 a.m.

Present: Councillor J.K. Piggott (Mayor) and

Councillors Mrs. A.M. Armstrong, W.M. Blenkinsopp, Mrs. K. Conroy, Mrs. J. Croft, V. Crosby, Mrs. A.M. Fleming, R.S. Fleming, Mrs. B. Graham, A. Gray, G.C. Gray, Mrs. J. Gray, B. Hall, A. Hodgson, Mrs. L. Hovvels, G.M.R. Howe, J.G. Huntington, M. Iveson, M.T.B. Jones, J.M. Khan, J.P. Moran, G. Morgan, D.A. Newell, K. Noble, B.M. Ord, R.A. Patchett, Mrs. E.M. Paylor, Ms. M. Predki, G.W. Scott, A. Smith, J.M. Smith, Mrs. I. Jackson Smith, Mrs. C. Sproat, K. Thompson, T. Ward, W. Waters and J. Wayman J.P

Apologies: Councillors B.F. Avery J.P, D.R. Brown, J. Burton, Mrs. B.A. Clare, M.A. Dalton, T.F. Forrest, D.M. Hancock, K. Henderson, J.E. Higgin, B. Meek, Mrs. C. Potts, J. Robinson J.P and Mrs. L. Smith

C.55/05 DECLARATIONS OF INTEREST

Councillor R. Fleming indicated that as Lead Member for Resource Management, he would be declaring a prejudicial interest in item 7 – Arrangements for Review of the Constitution,

C.56/05 MINUTES

The Minutes of the meeting held on 25th November, 2005 were confirmed as a correct record and signed by the Mayor.

C.57/05 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the last meeting he had attended 62 functions and events including Durham County Brass Band Association's Annual Grading Contest at Spennymoor Leisure Centre, Regional Volunteer of the Year 2005 Award Ceremony at County Hall, the opening of a Christmas Fayre at St. Francis Church, Newton Aycliffe and a Drop-in at the Business Centre at Newton Aycliffe. He had also attended an Annual Thanksgiving Service for Butterwick Hospice, a meeting with two Olympic Swimming Champions at Newton Aycliffe Leisure Centre, the launch of the Local Strategic Framework and Action Plans for Physical Activity at the Red Lion, Trimdon; a presentation of monies awarded to the Bowls Club at Ferryhill Leisure Centre and a School Dance Festival at Newton Aycliffe Leisure Centre.

The Mayor reported that he had also attended a GEM Luncheon Presentation to the Licensing Team of Sedgefield Borough Council; a charity dance entertainment evening at Ferryhill Leisure Centre and a Steam Twilight Photographic Exhibition at the Locomotion, Shildon.

Members were informed that the Mayor had had the honour of attending a visit of HRH The Earl of Wessex to Durham County Council's Young People's Service at Aycliffe Young People's Centre.

The Mayor expressed his appreciation to Councillor Vince Crosby for raising £410 for the Mayor's Charity by competing in a Marathon Workout.

It was also reported that he had attended a number of Golden Wedding and Diamond Wedding Celebrations together with a number of Civic Services and civic functions and events as well as a number of charity evenings.

C.58/05

BUDGET FRAMEWORK 2006-07

Consideration was given to a report of the Director of Resources (for copy see file of Minutes) regarding budget proposals for 2006/2007.

It was explained that Cabinet at its meeting on 12th January, 2006 approved the initial budget framework. During the four week consultation period all Overview and Scrutiny Committees considered their respective budget areas and consultation had also taken place with the Council Tax Focus Groups.

Cabinet had considered the findings of the consultation process at its meeting on 16th February, 2006 when it made a number of recommendations for the budget and policy framework 2006/2007. The recommendations were outlined in Appendix A to the report.

Significant reference was made to the following :-

General Fund

The Council's net spending requirements for 2006/7 would be £14,045,480 and the details of how this was to be spent were set out in the report. Whilst this represented an increase in spending of 13% the proposed increase in Council Tax was 3% - taking the Band D tax from £175.60 to £180.87 an increase of £5.27.

Housing Revenue Account

No changes to the initial budget for the Housing Revenue Account were proposed by Cabinet and the increase in Housing rents required was recommended to be an increase in basic and target rents of 3.20% with effect from 3rd April, 2006 with the adjustment for rent restructuring set at up to +£2 per week. This would have the impact of increasing the average rent on the HRA by 5%.

Capital Spending

No changes to the initial budget framework for capital spending were proposed by Cabinet which would mean that total capital expenditure be fixed at £15,650,000 and allocated to portfolios in accordance with the table set out in Appendix B to the report. It was noted that the Programme

had been set in line with the Medium Term Capital Investment Plans contained in the Medium Term Financial Plan.

Treasury Management Strategy Incorporating the Prudential Code

This covered the borrowing and investment activities of the Council and the effective management and the associated risks in relation to those activities. A separate report provided details of the Strategy followed by the Council and made recommendations for the Council's borrowing, investment and treasury activities over the next few years and had been developed taking full account of the Budget Framework for 2006/07.

Robustness of Budget Estimates

A prudent approach had been taken to the development of service budgets based on realistic and achievable spending and income targets with appropriate consideration of any risks and uncertainties that may be encountered.

The provision of a contingency fund would provide further flexibility for the Council to respond to any additional and unexpected spending needs that may be required during the year.

It was noted that a full report on the revenue position of the current year's budget would be considered by Cabinet on 2nd March, 2006. That report showed that both the General Fund and the Housing Revenue Account outturn spending were being controlled within the original budget provision.

Balances and Reserves

The balances and reserves held at 31st March, 2006 were presented and the following noted :-

Budget Support Fund

This was set up to provide support to the General Fund to allow spending levels to be adjusted over the medium term. The Budget Framework 2006/07 now provided for the use of balances of £500,000 to support revenue spending.

Insurance Fund

Established to cover the Council's self-insured risks. Whilst the revised balance would fall as claims continue to be met, the current level of funding was regarded as satisfactory in the medium term.

Economic Development Fund

It was noted that there were ongoing commitments against the fund over the next few years and it was planned that £108,500 would be utilised in 2006/07.

No external grant funding was now available to support the incentives programme and the fund was therefore running down and had a very limited future life.

Training and Employment Services

The Training and Employment Services Scheme had proved extremely successful, however, it was expected that there would be an anticipated operating loss of around £75,000 in 2005/06 which would be met from the Training Fund.

Asset Management Fund

The fund was available to provide support to meet the Council's commitments under the Asset Management Plan. There was no planned use of this Fund next year.

Private Sector Housing Fund

Established some years ago when housing association loans were repaid to provide support to private sector housing initiatives.

Loan Debt Support Fund

This fund was used to support the costs associated with managing the Council's debt portfolio. It was expected that around £200,000 would be utilised in 2006/07 to assist in rescheduling the Council's capital financing costs.

Youth Development Fund

This fund was used to support projects and initiatives aimed at developing the skills and talents of young people in Sedgefield Borough.

Other Fund Balances

Covering a range of small balances which are used for technical accounting purposes.

General Reserve

The balance on this reserve of £2.2m represented around 15% of net revenue spending which was well above the minimum level advised by the Audit Commission of 5%. The medium term targets was to maintain the reserve at around £2m.

Housing Revenue Account

Balances were expected to total £4.1m at 31st March, 2006. This took account of the forecast contribution to balances in the current year of around £650,000 including reimbursement of LSVT costs. As the Housing Subsidy Settlement had released additional resources into the HRA no use of balances would be required to fund revenue activities. However, there was a planned contribution of £500,000 to the Capital Programme to assist with the transition to a programme focused on meeting the Government's Decent Homes Standards by 2010. It was also likely that there would be a requirement to use HRA Reserves to assist with the implementation of the Service Improvement Plan and the impact of this would be reported to Cabinet in March, 2006.

PRECEPTING AUTHORITIES

Parishes

The precept for 2006/07 total £4,268,252 compared with £4,120,981 for the current year, an increase of £147,271 (3.6%). This equated to an average parish Council Tax of £163.83 at Band D, an increase of £5.81 (or 3.7%) over the current year. Details of the increase applicable to each Parish were detailed in Appendix C to the report.

Durham County Council

Durham County Council met on 21st February, 2006 to consider its spending for 2006/07 and to consider a recommendation that would require a precept on this Council of £25,204,043.12 equating to a Council Tax of £967.41 at Band, an increase of £42.57 or 4.6% over the current year.

Durham and Darlington Fire and Rescue Authority

The Fire and Rescue Authority met on 16th February, 2006 to consider its spending plans for 2006/07 and to consider a recommendation that required a precept on this Council in the sum of £2,007,123.12 which equated to a Council Tax of £77.04 at Band D, an increase of £3.60 or 4.9% over the current year.

Durham Police Authority

The Police Authority at its meeting on 17th February, 2006 agreed to issue a precept on the Council of £2,626,142.40 which equated to a Council Tax of £100.80 at Band D, an increase of £4.77 or 4.96% over the current year.

During discussion on the Budget Framework the following amendment proposal was moved by Councillor B.M. Ord and seconded by Councillor K. Thompson :_

“That this Council reduces its 2006/07 General Fund Budget by 3% and that the savings be met by efficiency savings from the areas of Inform, Town Twinning and Logo rebranding.”

Following a vote the amendment was rejected.

- RESOLVED :**
1. *That the Council's 2006/07 General Fund Revenue Budget, totalling £14,045,480 be approved.*
 2. *That the Housing Revenue Account Budget be approved and that a rent increase of 3.20% be applied to all basic and target rents with a rent restructuring adjustment of up to + £2, effective from 3rd April 2006.*
 3. *That the council's 2006/07 Capital Spending Programme, totalling £15,650,000, as set out in Appendix B to the report be approved.*
 4. *That in accordance with Section 25(1) of the Local Government Act 2003, the comments of the Director of Resources, in relation to the robustness of the budget estimates being considered and adequacy of the financial reserves, be noted.*

5. That the calculations required under Section 32 to 36 of the Local Government Finance Act, 1992 be approved as follows:-

	£
Aggregate of the calculations required under Section 32(2)(a) to (e) of the Act (i.e. gross expenditure of the Borough plus Parish precepts)	93,500,672
Aggregate of the calculations required under Section 32(3)(a) to (c) of the Act (i.e. income which will be credited to the Borough's General Fund)	75,186,940
Being the difference between the above calculations, in accordance with Section 32(4) of the Act – the budget requirement for the year	18,313,732

6. That the calculation of the sums which the Council estimates will be payable for the year into its General Fund be approved as follows:-

	£
Revenue Support Grant	9,133,274
Collection Fund Surplus	200,000
	8,980,458

7. That the calculation required under Section 33(1) of the 1992 Act, as the basic amount of the Council Tax for the year, i.e. the total in 5 above, less the total in 6 above, divided by the Tax Base 26,053, be approved as follows - **£344.70** (i.e. an average local Tax at Band D).

8. That the aggregate amount of all special items (Parish Precepts) in accordance with Section 34(1) of the Act, amounting to **£163.83** be approved.

9. That the Council Tax for the year for those dwellings in the area to which no special items relates, calculated in accordance with Section 34(2) of the Act, be **£180.87** (i.e. the Council Tax at Band D for Borough Council purposes).

10. That the amounts given by adding to the amount at 9 above, the amounts of the special items for those parts of the Council's area, calculated in accordance with Section 34(3) of the Act be as set out under Band D in Appendix D to this report (i.e. Council Tax at Band D for Borough and Parish Councils in each Parish or part of the Borough).

11. That the amount to be taken into account for the year in respect of categories of dwellings listed in different valuation bands calculated in accordance with Section 36(1) of the Act, using as the base those amounts set out in 10 above, be as shown in Appendix D to the report.

12. That it be noted that for the year 2006/07 Durham County Council, Durham and Darlington Fire and Rescue Authority, and Durham Police Authority have stated the following amounts in the precept issued to the Council in accordance with Section 40 of the Act, for each of the categories of dwellings shown below:-

	A	B	C	D	E	F	G	H
Authority	£ p	£ p	£ p	£ p	£ p	£ p	£ p	£ p
Durham County Council	644.94	752.43	859.92	967.41	1,182.39	1,397.37	1,612.35	1,934.82
Combined Fire Authority	51.36	59.92	68.48	77.04	94.16	111.28	128.40	154.08
Durham Police Authority	67.20	78.40	89.60	100.80	123.20	145.60	168.00	201.60

13. That, having calculated the aggregate in each case, of the amounts at 11 and 12 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts shown at Appendix F as the amounts of Council Tax for the year 2006/07 for each of the categories of dwellings shown.

14. That the Director of Resources be authorised to serve notices, enter into agreements, give receipts, make adjustments, institute proceedings and take any action available to the Council to collect or enforce the collection of the Non-Domestic Rate and the Council Tax from those persons liable.

15. That the Director of Resources be authorised to nominate officers, from time to time, within the Resources Department, to conduct proceedings on behalf of the Council in connection with the implementation of 14 above.

16. That, in accordance with Part II of Schedule 1 of the Council Tax (Administration and Enforcement) Regulations 1992, the Council resolves that instalments of Council Tax due from Council house tenants, will be due on a weekly basis simultaneous with the rent.

NB : In accordance with the Council's Rules and Procedures 13.4 Councillors W.M. Blenkinsopp, Mrs. J. Croft, G.M.R. Howe, J.G. Huntington, M.T.B. Jones, B.M. Ord, Mrs. E.M. Paylor, G.W. Scott, J.M. Smith, Mrs. C. Sproat, K. Thompson and J. Wayman, J.P., requested that their names be recorded as having voted against the increase in Council Tax.

C.59/05

TREASURY MANAGEMENT STRATEGY 2006-07

Consideration was given to a report of the Director of Resources (for copy see file of Minutes) detailing the Treasury Management Strategy 2006/7 and the impact of the Prudential Code for Capital Finance.

It was explained that the report outlined the Strategy to be followed by the Council over the medium term in relation to its Treasury Management activities.

Members noted that the Council would need to comply with the Prudential Code for Capital Finance in Local Authorities and approve the Prudential Indicators outlined in the Appendix to the report.

Members considered the Treasury Management Strategy which was required by the Council's Constitution to be reported and the management of the risks involved.

- RESOLVED :**
1. *that the Treasury Management Strategy 2006/07 be approved.*
 2. *That the Investment Strategy 2006/07 be approved.*
 3. *That the Prudential Indicators and Limits 2006/07 to 2008/09 be adopted.*
 4. *That the 'Authorised Limit' for borrowing as shown in Appendix A to the report be approved.*

C.60/05

ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

NB : In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct, Councillor R.S. Fleming declared a prejudicial interest in this item and left the meeting for the duration of the discussion and voting thereon.

Consideration was given to a report of the Chief Executive Officer (for copy see file of Minutes) regarding arrangements for a Review of the Constitution.

It was explained that the Constitution itself needed to be kept under regular review to ensure that it reflected existing law and its operation continued to provide an efficient and effective framework for delivering the Council's objectives. This report was a further review for the purposes of Article 15 of the Constitution.

The report outlined areas where it was considered appropriate to make some immediate changes to the Constitution including :

- a) Changes resulting from the Cabinet decision taken on 19th January 2006 on Indemnities for Members and Officers: Impact of the Local Authorities (Indemnities for Members and Officers) Order 2004 Report of the Solicitor to the Council and Monitoring Officer.
- b) Changes resulting from the decision of Cabinet on 2nd February 2006 considered at Standards Committee on 9th February 2006,

forthcoming Comprehensive Performance Assessment, Key Lines of Enquiry, Corporate Governance Inspection implications for Standards and Ethics, the Standards Committee and Member Training – Taking the Ethics Agenda Forward: Report of the Solicitor to the Council and Monitoring Officer.

- c) Request for changes from the Neighbourhood Services Department (Environmental Health) resulting from legislative changes.
- d) Request for changes from the Neighbourhood Services Department (Planning Division) relating to proposed operational changes.

RESOLVED : 1. *That the Council approves the amendments set out in the Appendix and directs the Council's Monitoring Officer:*

(a) to amend the Constitution accordingly and make all necessary and consequential amendments; and

(b) to publish an amended version on the Council's website.

C.61/05

**SUMMARY OF CHANGES TO STANDARDS ARRANGEMENTS:
"STANDARDS OF CONDUCT IN ENGLISH LOCAL
GOVERNMENT:THE FUTURE - DECEMBER 2005"**

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer (for copy see file of Minutes) summarising the recently published discussion paper by the Government "Standards of Conduct in English Local Government : The Future - December 2005".

It was explained that the discussion paper set out a vision and regime for the future which dramatically changed the roles of the Standards Board, Local Standards Committees and duties of the Monitoring Officer.

The vision was for the different elements of the different elements of the conduct regime, such as the Members' Code of Conduct, the Standards Board and Local Standards Committees to work effectively together and be integrated as a whole.

The proposals involved an increase in the number of cases referred for investigation and determination at local level. The changes would mean the evolution of the Standards Board into "a strategic, arms length body dealing only with the most serious cases nationally". The Board would develop a specific role that would support, advise and guide local authorities.

It was recognised that the increase in local decision-making would increase the workload of some authorities, particular District Councils with large numbers of Parishes. It was anticipated that there would be significant financial implications resulting from the transfer to the Council of

The Standards Board responsibility for conducting investigations and determinations. Significantly, the Government had not made proposals to commit additional funding to local authorities to carry out those new functions. This was a particular concern.

- RESOLVED :**
1. *That the report received.*
 2. *That the Leader and the Chief Executive raise concerns via national bodies regarding the lack of proposals for additional public funding for the transfer of responsibilities from the Standards Board to local authorities.*

C.62/05

SEDGEFIELD BOROUGH LOCAL DEVELOPMENT FRAMEWORK - ADOPTION OF THE RESIDENTIAL EXTENSIONS SUPPLEMENTARY PLANNING DOCUMENT

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) in respect of the Residential Extensions Supplementary Planning Document.

It was explained that the Council had considered the draft Residential Extensions Supplementary Planning Document on 30th September 2005. The Document was then subject to a six-week public consultation exercise during which time the Council had received 18 comments from 8 organisations.

As a result of the consultation, some changes would be made to the draft Supplementary Planning Document to provide a more positive grammatical approach within the Document; expand the text with regard to protected species; and to clarify the meaning of certain paragraphs.

- RESOLVED :** *That the Council adopts the Residential Extensions Supplementary Planning Document.*

ACCESS TO INFORMATION

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Item 3b

SEDGEFIELD BOROUGH COUNCIL

Council Chamber,
Council Offices,
Spennymoor

Thursday,
30 March 2006

Time: 11.00 a.m.

Present: Councillor J.K. Piggott (Mayor) and
Councillors Mrs. A.M. Armstrong, W.M. Blenkinsopp, D.R. Brown,
Mrs. B.A. Clare, Mrs. K. Conroy, Mrs. J. Croft, V. Crosby, M.A. Dalton,
Mrs. A.M. Fleming, T.F. Forrest, Mrs. B. Graham, A. Gray, Mrs. J. Gray,
D.M. Hancock, J.E. Higgin, A. Hodgson, Mrs. L. Hovvels, M.T.B. Jones,
B. Meek, J.P. Moran, G. Morgan, K. Noble, B.M. Ord, R.A. Patchett,
Mrs. E.M. Paylor, A. Smith, J.M. Smith, Mrs. I. Jackson Smith,
Mrs. C. Sproat, K. Thompson, T. Ward and J. Wayman J.P.

Apologies: Councillors B.F. Avery J.P, J. Burton, R.S. Fleming, G.C. Gray, B. Hall,
K. Henderson, G.M.R. Howe, J.G. Huntington, M. Iveson, J.M. Khan,
D.A. Newell, Mrs. C. Potts, Ms. M. Predki, J. Robinson J.P, G.W. Scott,
Mrs. L. Smith and W. Waters

C.63/05 DECLARATIONS OF INTEREST

The following Councillors indicated that they had declarations of interest to submit :-

Item 3 – Appointment of Chief Executive

Mrs. A. M. Fleming	-	Personal Interest: Member of Chief Officer Appointment
Mrs. B. Graham	-	“ “ Panel
K. Noble	-	“ “
T.F. Forrest	-	“ “
Mrs. I.Jackson-Smith	-	“ “
Mrs. C. Sproat	-	“ “

D. Newell	-	Personal Interest: Member of Cabinet
Mrs. A.M. Armstrong	-	“ “
A. Hodgson	-	“ “

all Members remained in the meeting for the duration of discussion on this item.

C.64/05 APPOINTMENT OF CHIEF EXECUTIVE Minutes of Chief Officer Appointments Panel

The Minutes of the Chief Officer Appointments Panel held on :

3rd November, 2005
21st December, 2005
12th January, 2006
28th February, 2006
16th March, 2006
29th March, 2006

were considered and received.

Report of SOLACE Enterprises

Consideration was given to a report of SOLACE Enterprises in relation to the appointment of Chief Executive. (for copy see file of Minutes)

It was explained that at the meeting of the Chief Officer Appointments Panel held on 29th March, 2006 it had been recommended that Council interviews Mr. B. Allen for the post of Chief Executive.

Members were informed that Cabinet at its meeting that morning had considered the recommendation and had no objection to the recommended candidate.

- RESOLVED :*
- 1. That the minutes of the Chief Officer Appointments Panels identified be received.*
 - 2. That Mr. B. Allen be appointed as Chief Executive.*

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Liz North 01388 816166 ext 4237 email: enorth@sedgefield.gov.uk

Item 5

REPORT TO COUNCIL

21st APRIL 2006

REPORT OF CHIEF EXECUTIVE OFFICER

ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

1. SUMMARY

- 1.1 The Council's Constitution was adopted on the 24th May 2002 as part of the Council's approach to implementing the Local Government Act 2000. A number of reviews have taken place.
- 1.2 The Constitution itself must necessarily be kept under regular review so as to ensure that it reflects existing law and its operation continues to provide an efficient and effective framework for delivering the Council's aims and objectives. This report is a further review for the purposes of Article 15 of the Constitution.
- 1.3 The recommendations in this report, based on advice from the Council's Monitoring Officer, and following meetings of the Constitutional Review Group, reflect those areas where it is considered appropriate to make some further changes, viz:
 - (a) On advice of the Council's Monitoring Officer, to amend Part 4 - Rules of Procedure. B. Access to Information Procedure Rules, to take account of the changes coming into effect from the 1st March 2006 under the Local Government (Access to Information) (Variation) Order 2006 and related regulations (**see Appendix 1**).
 - (b) Proposals to establish an Audit Committee: this major aspect of the report will be the subject of a separate joint report from the Chief Executive and the Director of Resources on the accompanying agenda and listed separately.
 - (c) Officer delegations amendment: from the Director of Neighbourhood Services/Inspection and Licensing Services Manager.: update to authorised officers NS 64

2. RECOMMENDATIONS

- 2.1 That the Council approves the amendments set out in the Appendix and directs the Council's Monitoring Officer:
 - (a) to amend the Constitution accordingly and make all necessary and consequential amendments; and
 - (b) to publish an amended version on the Council's website.

3. BACKGROUND

- 3.1 Work has already begun in reviewing the Constitution. A number of officers have formed a Constitutional Review Group, headed by the Monitoring Officer, and its purpose is to consider proposals for change with a view to reflecting the law and improving the efficiency of decision taking within the authority.
- 3.2 Previous reviews are identified in the list of background papers accompanying this Report.

4. LEGAL IMPLICATIONS

- 4.1 It is intended that these changes shall have immediate effect.
- 4.2 The principal changes are referred to in paragraph 1.3 above.

5. CONSULTATIONS

- 5.1 Standards Committee were consulted on this report on 6th April and their views taken into consideration.
- 5.2 All Departments of the Council have been consulted with regard to the amendments suggested in this report. Management Team considered the report on 20th March 2006.

Contact Officer: D.A. Hall, Solicitor and Monitoring Officer
Telephone No: (01388) 816166, Ext. 4268
Email Address: dahall@sedgefield.gov.uk

Ward(s)

Key Decision Validation

Background Papers

Regulations/Legislation:

Local Government (Access to Information) (Variation) Order 2006

The Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006

The Relevant Authorities (Standards Committee) (Amendment) Regulations 2006

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PART 4 – RULES OF PROCEDURE**B. Access to Information Procedure Rules**

1. SCOPE

These Rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committees, Area Forums, the Standards Committee and Regulatory Committees.

2. ADDITIONAL RIGHTS TO INFORMATION

These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these Rules.

4. NOTICES OF MEETING

Notice will be given of any meeting of the Council, Cabinet or Committees, Panels etc. by posting details of the meeting at the Council Offices, Spennymoor. The notice will be posted at least five clear days* before the meeting is to be held.

* 'Clear days' are defined as working days and do not include the day the notice is posted or the day of the meeting.

Meetings will also be advertised on the Council's Website www.sedgefield.gov.uk and in Inform, the Council's community newspaper.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports (except those containing confidential or exempt information as defined in Rule 10) available for inspection at the Council Offices, Spennymoor at least five clear days* before the meeting is to be held.

* 'Clear days' are defined as working days and do not include the day the agenda becomes available or the day of the meeting.

If an item is added to the agenda later, the revised agenda, together with any additional reports (except those containing confidential or exempt information as defined in Rule 10), will be open to inspection for the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (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 in the agenda; and
- (c) if the Chief Executive Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item.

to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC. AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting;
- (b) the agenda for the meeting; and
- (c) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The Chief Executive Officer will set out in every report 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

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

The 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.

9. SUMMARY OF PUBLIC'S RIGHTS

These Rules represent a written summary of the public's rights to attend meetings and to inspect and copy documents and a copy will be kept and made available to the public at the Council Offices, Spennymoor.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

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 the proceedings that confidential information would be disclosed.

10.2 Exempt information – discretion to exclude public

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 the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 (Right to a Fair Trial) establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of the Act.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of exempt information

Subject to any subsequent amending provisions 'Exempt Information' means information falling within at least one of the following 7 categories (subject to any qualification); separate rules apply to meetings of Standards Committee:

SCHEDULE 12A

ACCESS TO INFORMATION: EXEMPT INFORMATION

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

- (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).
- (4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (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—

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- (7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

PART 2

QUALIFICATIONS: ENGLAND

- (8) Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—
- (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
- (9) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (10) Information which—
- (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if, and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If Chief Executive Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication but subject to the requirements of the Freedom of Information Act 2000 or any other legislation that may require disclosure" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE CABINET

The following Rules apply to the Cabinet. If the Cabinet meets to take a Key Decision then it must also comply with Rules 1 – 11 above, unless Rule 15 (general exception) or Rule 16 (special urgency) apply.

A Key Decision is defined as:

- (i) any executive decision which is likely:-
 - to result in the local authority incurring expenditure, or making savings above £100,000
 - to have a significant impact on two or more wards.
- (ii) any decision made by the Cabinet in the course of developing proposals to the full Council to amend the policy framework.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of Forward Plan

Forward plans will be prepared by the Leader to cover a period of four months and will be updated monthly.

14.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Cabinet or officers, in the course of the discharge of a Cabinet function during the period covered by the plan. It will describe the following particulars insofar as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;

- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The Forward Plan will be published at least 14 days before the start of the period covered. The Chief Executive Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that Key Decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the Plan will contain details of the Key Decisions to be made for the four month period following its publication;
- (d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices and on the Council's website www.sedgefield.gov.uk;
- (e) that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the Key Decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

15. GENERAL EXCEPTION

If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Chief Executive Officer has informed the chair of a relevant Overview and Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Chief Executive Officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since the Chief Executive Officer complied with (a) and (b).

All decisions taken under this Rule will be taken in public, except Rule 10 applies.

16. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the chair of the relevant Overview and Scrutiny Committee agrees that taking the decision cannot be reasonably deferred. If there is no chair of the relevant Overview and Scrutiny Committee, or if the chair of the relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor, will suffice.

17. REPORT TO COUNCIL

17.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that a Key Decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the General Exception Procedure; or
- (c) the subject the Special Urgency Procedure;

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Chief Executive Officer, who shall require such a report on behalf of the Committee when so requested by at least 7 Members of a relevant Overview and Scrutiny Committee. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

17.2 Cabinet's report to Council

Upon request, the Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and, if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

After every meeting of the Cabinet the Chief Executive Officer will produce a record of every decision taken at that meeting, normally within 2 working days of the meeting. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

In addition, where an Officer has taken a 'key decision' using authority delegated by Cabinet that officer will produce a record of the decision taken within 2 working days. The record will include a statement of the reasons for each decision and any alternative options considered and rejected by the Officer.

19. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

19.1 Rights to copies

Subject to Rule 19.2 below, members of an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to any business transacted at a meeting of the Cabinet.

19.2 Limit on rights

Members of an Overview and Scrutiny Committee will not be entitled to any document that is in draft form.

20. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

20.1 Material relating to previous business

All Members of the Council will be entitled to inspect any report, including those containing confidential or exempt information, together with background papers used in its preparation, relating to any business previously transacted at a Cabinet meeting.

20.2 Material relating to Key Decisions

All Members of the Council will be entitled to inspect any report, including those containing confidential or exempt information, together with background papers used in its preparation, which relates to any Key Decision.

20.3 Nature of rights

These rights of a Member are additional to any other right he/she may have.

20.4 Further Provisions

(1) In Parts 1 and 2 of Schedule 12A as amended —

"employee" means a person employed under a contract of service;

"financial or business affairs" includes contemplated, as well as past or current, activities;

"labour relations matter" means—

(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

(b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

"registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference in Parts 1 and 2 and this part of Schedule 12A as amended, to "the authority" is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—

(a) in the case of a principal council, to any committee or sub-committee of the council; and

(b) in the case of a committee, to—

- (i) any constituent principal council;
 - (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and
 - (iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and
- (c) in the case of a sub-committee, to—
- (i) the committee, or any of the committees, of which it is a sub-committee; and
 - (ii) any principal council which falls within paragraph (b) above in relation to that committee.
- (3) These rights do not require a document to be available for inspection if it appears to disclose exempt information falling within Part 1 of Schedule 12A (see Rule 10.4 above) although if information falls within paragraph 3 (except to the extent the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract) or paragraph 6 of Schedule 12A, it shall be available for inspection.

21. STANDARDS COMMITTEE : ACCESS TO DOCUMENTS : ADDITIONAL PROVISIONS

Where a meeting of a standards committee, or a sub-committee of a standards committee, is convened to consider a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Act, the provisions of Parts 1 to 3 of Schedule 12A to the 1972 Act shall apply as if, after paragraph 7 of that Schedule, the following descriptions of exempt information were inserted —

- 7A.** Information which is subject to any obligation of confidentiality.
- 7B.** Information which relates in any way to matters concerning national security.
- 7C.** The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

PROPOSED CHANGES FOR COUNCIL APPROVAL – 21ST APRIL 2006

Page Reference and Proposed Amendment	Basis for Change
<p><u>Page 80</u></p> <p>NS64:– inclusion of the name Victoria Jackson-Hopps and a change of name from Meryl Gregg to Meryl Graham</p>	<p>Change in personnel and change of name</p>

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Item 6

REPORT TO COUNCIL

21st April 2006

REPORT OF THE CHIEF EXECUTIVE OFFICER

ROYAL GARDEN PARTIES

Summary

The Council has been invited to send up to four nominees to Royal Garden Parties to be held at Buckingham Palace on Tuesday, 11th July, 2006: Tuesday.18th July, 2006 and Thursday 20th July, 2006. The report sets out details of the criteria for those persons eligible to attend , those Members who have already attended a Royal Garden Party and makes recommendations in relation to the selection of the Council's representatives.

RECOMMENDATION

That the Leader of the Council and partner and Councillor G.M.R. Howe and partner be appointed to attend one of the Royal Garden Parties.

DETAIL

Her Majesty the Queen is to give Garden Parties at Buckingham Palace on Tuesday, 11th July, 2006: Tuesday.18th July, 2006 and Thursday 20th July, 2006. to which the Council has been invited to send up to four nominees. The Local Government Association asked the Council to forward nominations for representatives to be invited to attend for onward submission to the Lord Chamberlain's office by 8th March 2006.

As in previous years, the Councils allocation will be four places and nominations should include serving Civic Heads and their consorts. There is also discretion for nominees to be accompanied by up to two of their own children (but within the quota of four) providing each child is unmarried and aged between 18 and 25 years..

It is the Queen's wish that those invited should be drawn from as wide a range as possible and from persons who have not previously attended Royal Garden Parties. A list of current Members of the Council who have previously attended is set out below :-

Councillors B.F. Avery, JP., J. Burton, M A Dalton, Mrs. B. Graham, A. Gray, G C Gray, Mrs. L. Hovvels, M. Iveson, J. Khan, J.P. Moran, G. Morgan,, D.A. Newell, K.Noble, J.K. Piggott, Ms. M Predki, T. Ward and W. Waters and J. Wayman JP..

It is normal practice for the Mayor Elect and Partner to be appointed to attend one of the Royal Garden Parties, but as Councillor Mrs Hovvels has previously attended a Royal Garden Party, it is appropriate in this instance for the Leader of the Council to attend as Civic Head.

As a result of the need to submit nominations prior to this meeting expressions of interest were sought from Members who had not previously attended a Garden Party and as more than one expression of interest was received the name of the nominee was drawn by lot. Retrospective approval is therefore sought for the nominees to attend a Royal Garden Party.

Contact Officer: Elizabeth North
Telephone No: (01388) 816166 ext 4237
Email Address enorth@sedgefield.uk

Background Papers

Letter from Local Government Association dated 8th February, 2006.

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input checked="" type="checkbox"/>