

Rother District Council

Report to	-	Council
Date	-	16 May 2022
Report of the	-	Cabinet
Subject	-	References from Cabinet Meetings

The Council is asked to consider the recommendations arising from the Cabinet meetings held on 28 March 2022 and 9 May 2022, if any, as set out below.

CABINET – 28 March 2022

CB21/95. COMMUNITY INFRASTRUCTURE LEVY (CIL) GOVERNANCE ARRANGEMENT AND FUNDING DECISION PROTOCOL

Following full Council adoption of the new Community Infrastructure Levy (CIL) Governance Arrangement and Funding Decision Protocol in January 2022, a further amendment was recommended in order to streamline the process further and remove potential delays, and clarity regarding the 'Climate Emergency Bonus Fund' (CEBF) was also required.

The revised protocol allowed for the Chief Executive to implement the recommendations of the Steering Group, as had previously been the case, which would speed up the timeframe in which funding decisions were confirmed to give infrastructure providers, Parish and Town Councils and other applicants greater assurance in deliverability.

Any round of funding allocation which may occur before the proposed changes to the protocol are approved at the Full Council meeting in May 2022, as detailed in the timetable in Appendix 1 to the report, would follow the current procedure to gain final approval from Council, but in May rather than June as shown in error. Subsequent funding allocations due to take place after full Council had met in May, would follow the revised procedure if approved.

The CEBF supported the Council's commitment to be a carbon neutral district by 2030 as set out in the Environment Strategy (September 2020) and would provide funding, either in part or in whole, where infrastructure projects could demonstrate a significant contribution to the reduction of carbon emissions or to the offsetting of carbon emissions. It was also clarified that the CEBF would enable the Council to consider allocating monies to projects identified by the Climate Change Steering Group that met the basic CIL requirements but may not have other obvious funding streams. Members were clear that the Climate Emergency Bonus Fund was intended to be a stand-alone fund which funded projects primarily generated from the Climate Emergency Steering Group (where those projects met the CIL requirements) but could also be used to top up the other two funds where appropriate.

Cabinet were asked to recommend to Council the revised version of the CIL Governance Arrangement and Funding Decision Protocol, and clarification with regard to the CEBF as set out in Appendix 1 to the report, which Members were pleased to support. An additional recommendation was proposed and agreed to allow ad hoc CIL Allocation Panels to be convened if and when required, with the authority of the Chief Executive and Chair of the CIL Allocations Panel.

RECOMMENDED: That:

- 1) the amended version of the 'Community Infrastructure Levy (CIL) Governance Arrangement and Funding Decision Protocol' be approved and adopted;
- 2) the Chief Executive be granted delegated authority to implement the recommendations of the CIL Allocations Panel in line with the proposed new process; and
- 3) ad hoc CIL Allocation Panels be convened when required with the authority of the Chief Executive and Chair of the CIL Allocations Panel.

(Cabinet Agenda Item 10)

CABINET – 9 May 2022

CB21/103. REVIEW OF THE CONSTITUTION – REFERENCE FROM THE OVERVIEW AND SCRUTINY COMMITTEE

Cabinet received and considered Minute OSC21/60 arising from the meeting of the Overview and Scrutiny Committee (OSC) held on 25 April 2022 regarding the review of the Constitution and recommendations of the Constitution Review Steering Group. The Steering Group was established in January 2021, had met frequently during 2021 and made a total of nine recommendations.

The cross-party Group had worked well together and undertaken a very thorough review by comparing the Council's Constitution against other models as well as neighbouring authorities and other good practice. The scope of the work undertaken by the Steering Group was shown at Appendix 1 to the report. It was noted that Parts 3, Responsibility for Functions and 8, Delegations to Officers were still to be completed and would follow later this year.

Attached at Appendix 2 to the report was a full list of all the main proposals which were either a deviation to current custom and practice and represented a change to the way the Council currently operated, or new provisions which were not within the Council's existing Constitution. Those that were considered worthy of special note had been highlighted.

Comparing different models to the Council's Constitution had identified several easy, quick improvements that could be made throughout the document ranging from layout changes, minor clarifications, gender neutral terminology, the use of Chair and Vice-Chair and improved use of plain English; a number of these amendments had been made throughout.

Whilst looking at the various parts of the Constitution that related to the scrutiny function, the Steering Group considered the role of scrutiny and whether it added value to the work of the Council, was as effective as it could be and clearly understood by Members. As a result, there was a proposal from the Centre for Governance and Scrutiny (CfGS) to undertake a scrutiny improvement review, with full details attached at Appendix 3 to the report. The cost of the review would be £4,850+VAT which could be funded from the 2022/23 Member Training Budget.

Cabinet were supportive of all the recommendations, in particular that general awareness training on the Constitution, as this dictated how the Council operated, be offered to all Councillors. It was noted that the Constitution would be reviewed more regularly by each in-coming administration, which was one of the recommendations.

RECOMMENDED: That:

- 1) all proposed amendments to the Council's Constitution highlighted within Appendix 2, and contained within Appendices 2A-2K be approved and adopted;*
- 2) the current governance model (executive / scrutiny split with no individual Cabinet Member decision making) be maintained;
- 3) a new stand-alone advisory Human Resources Committee comprising seven Members, to meet twice per year and assigned all functions relating to staffing matters that currently come under the remit of the Licensing and General Purposes Committee be created (the Licensing and General Purposes Committee to remain as currently constituted without HR related functions);
- 4) the Leader of the Council be requested to add Human Resources to their Cabinet Portfolio;
- 5) a review be undertaken by the incoming administration at the start of each new 4-year Council term, within its first year, to consider the decision-making structure and any proposals for change;
- 6) in each "normal" subsequent year following an election year, the Annual Council meeting to receive a report highlighting any changes that have been made to the Constitution in the preceding 12 months, under officer delegations or otherwise;
- 7) the Planning Advisory Services' latest Probity in Planning Guidance be automatically adopted and incorporated into the Constitution;
- 8) that general awareness / training on the Constitution be offered to all Councillors; and

- 9) the Centre for Governance and Scrutiny be commissioned to undertake a scrutiny improvement review during 2022/23, and be funded from the Member Training Budget, subject to the approval of the Member Development Task Group / Member Training Champion.

(Agenda Item 6)

CB21/104. **MEMBER TRAINING AND DEVELOPMENT STRATEGY**

The Council's Member Training and Development Strategy had been in place since 2007 as part of the Council's commitment to Member Training and Development. The Strategy set out how the Council developed its elected Members in order to assist both the Council in achieving its aims and priorities in accordance with the Corporate Plan and to assist Members to manage with the increasing demands placed upon them.

The Strategy was reviewed and re-adopted every four years in the year preceding the District Council elections to ensure that the Strategy remained fit for purpose and had taken account of any new or emerging issues. The Member Development Task Group had considered the revised Strategy at its last meeting held on 21 February 2022 and commended its re-adoption to Council.

It was noted that the Strategy had been updated to reflect the following:

- that all Members during their four-year term and staff receive an appropriate level of carbon literacy awareness training to help achieve the Council's goal of becoming carbon neutral by 2030;
- periodic meetings be held with Committee Chairs and Vice-Chairs to discuss the training needs of their committees to enable the effective discharge of the committee's functions; and
- training and development opportunities be shared with parish and town councils, at no additional cost to the Council, wherever appropriate.

Members acknowledged the comprehensive training and development offer at the Council which equipped all Members with the skills and knowledge to undertake their roles. The Member Training and Development Champion extended thanks to Councillors and the officer team, in particular Democratic Services for managing the process.

RECOMMENDED: That the revised Member Training and Development Strategy be approved and adopted.

(Agenda Item 7)

Councillor D.B. Oliver
Leader of the Council