

## **Note re proposed changes to various Policies**

### **Introduction**

Following a discussion I had with Danielle arising out of her CiLCA coursework we reached the conclusion that Steering Groups, as we currently have them constituted, cannot make formal decisions (including financial decisions) as a matter of law.

This causes some difficulty because, up to now (for example), the Neighbourhood Plan Steering Group might have decided to go out for a consultation without asking permission (eg from the Planning and Highways Committee as its parent body, or Full Council). I don't think any of us really had a problem with this – after all, the whole point of the NPSG is to get on with drafting a new Plan (and it's been given a budget for this purpose).

We have two choices going forward – first to convert Steering Groups into Sub-Committees (which can make decisions including financial decisions), or second to change the ways that SGs operate.

Converting to Sub-Committees creates a number of issues – the meetings would have to be far more formal, with a summons issued giving proper notice (as for Council and Committees), formal minutes, etc, etc. Critically, the meetings would have to be clerked, adding a further burden on the office and expense.

For these reasons, F&GP has decided to recommend to Council the alternative of changing the way that SGs operate.

There was also a discussion about ensuring that, for transparency, all members of an SG should declare any interest in what is being discussed.

### **Proposed Policy Changes**

The F&GP discussion has led to a number of proposed changes to policies, so taking these in turn:

#### ***Policy Guidance and Glossary***

Please see *SMPC Policy Guidance and Glossary v2.0 compare v2.1*.

Previously we had a distinction between general decisions and financial decisions which meant that we had definitions of:

- “Matter” – anything within the power of the Council (that, thus, could be delegated to a Sub-Body);
- “Delegated Matter” – a matter that the body in question could decide about (ie provided it was within their terms of reference);
- “Delegated Power” – the power to act in respect of Delegated Matters;
- “Relevant Body” - in relation to financial decisions relating to Delegated Matters.

These definitions were then used in the Scheme of Delegation such that:

- Full Council and the Committees were Relevant Bodies and so could make decisions including financial ones (provided these were within their terms of reference and budget).
- an SG wasn't a Relevant Body, but had Delegated Powers about non-financial Matters.

To deal with the fact that an SG can't make formal decisions:

- the definition of Relevant Body has been removed and Delegated Power has been expanded to include financial decisions;
- a new definition of "Assigned Matter" has been created to encompass all Matters other than Delegated ones – ie something an SG could discuss and give an opinion on, but where the SG couldn't make a formal decision.

To address the transparency issue, a new definition of "co-opt" has been added. Thus:

- a "Co-Opt" is a statutory definition and very explicitly a non-Councillor on a Committee or Sub-Committee (not, nb, an SG) entitled to vote (in very limited circumstances – see Standing Orders below);
- a "co-opt" is anyone else we co-opt onto anything (with or without voting powers – these are set out in the Scheme of Delegation);
- "Subject Member" now includes co-opts (see below).

### ***Scheme of Delegation***

See *SMPC Scheme of Delegation v4.1* (tracked changes).

Under 'Powers to Act' the previous ability of a Steering Group to deal with (non-financial) Delegated Matters is removed, and replaced with the ability to discuss Assigned Matters.

Instead of taking decisions itself, the SG now requests the Clerk to make that decision, take that action, spend some money from the SG budget, etc. It is up to the Clerk to decide whether to accede to that request (having consulted anyone she thinks fit) or (eg) to refer it to the relevant Committee or Council for a decision.

The SG terms of reference are all changed to replace "Delegated Matters" with "Assigned Matters" and the Clerk's authorised powers are consequently changed to allow the Clerk to act in response to a request from an SG to do so.

Previously we used the term "in conjunction with" regarding the Clerk discussing a particular (usually financial) decision with anyone (eg the Clerk in conjunction with the Council Chairman could decide to transfer funds between bank accounts). This has been changed (in a number of Policies) to "consult", to make it clear that the Clerk might (but doesn't have to) consult with someone (eg the Chairman of the relevant Committee) about a particular decision. In any event, Danielle is going to ensure that any decisions she makes (financial or not) following an SG request are fully recorded.

With regard to transparency, the Code of Conduct (and thus obligations to declare interests) has always applied to "Subject Members", which (see above) has now been expanded to

include “co-opts”, The Scheme has now had a reminder added to emphasise that the Code of Conduct applies to everyone (see below).

### ***Standing Orders***

See *SMPC Standing Orders v5.1* (tracked changes).

Who can legally be a Voting Member of a Committee or Sub-Committee has been tidied up.

It was thought in F&GP that we needed to ensure that the standing orders regarding interests and declaring them needed to be explicitly applied to SGs. However, on reflection, with the revised definition of “Subject Member” as above, they do anyway.

### ***Financial Regulations***

See *SMPC Financial Regulations v7.1* (tracked changes).

The amendments here carry the changes referred to above through into the Financial Regs.

### ***Fairground Use***

See *SMPC Fairground Use Policy v1.1* (tracked changes).

“Conjunction” changed to “consultation” and “Fairground and Cemetery” to “Estate Management”.

### ***Procedure***

We need to remind non-Councillor members of a Steering Group that they are Subject Members, that the Code of Conduct applies to them in respect of their membership, and that they need to declare any interests in accordance with it.

Whether we want any of them to complete a declarations of interests form is up for discussion (John Hannawin has done so, but he is a co-opt on a Committee as opposed to a Steering Group).

In any event it would be good procedure for there to be a declaration of interests item at the start of any SG meeting (as currently happens for the NPSG).

Graham Bridgman