

20 May 2015

Annual Council

Committees and Their Terms of Reference

Report of: *Christopher Potter, Monitoring Officer and Head of Support Services*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 The Council operates a committee system form of local government governance and there are a number of statutory provisions relating to committees.
- 1.2 The Constitution under Council Procedure Rule 2.1 (k) provides that the Annual Meeting of Council considers the establishment of committees, their size and terms of reference for such Committees. Certain matters are laid down by law and the Council has no discretion in its considerations.

2. Recommendation(s)

- 2.1 That the Committees listed in Appendix A (to follow) be appointed for the Municipal Year 2015/16.**
- 2.2 That the size of the Committees listed in Appendix A (to follow) be agreed.**
- 2.3 That the Terms of Reference of the Committees listed in Appendix A (to follow) be agreed.**
- 2.4 That the Council's Monitoring Officer be authorised to make the necessary changes to the Constitution**

3. Introduction and Background

- 3.1 As stated above, the Council currently operates a committee system form of local authority governance under Part 1A of the Local Government Act 2000.
- 3.2 The Council has discretion as to its Committees except where the law otherwise provides. There are a number of statutory provisions relating to committees which include those set out below.
- 3.3 Under section 102 of the Local Government Act 1972 the Council has discretion to appoint one or more committees of the Council and may establish a joint committee with one or more other local authorities.
- 3.4 Under section 9JA of the Local Government Act 2000 the Council may by resolution appoint one or more committees as the authority's overview and scrutiny committee or, as the case may be, committees. Where the Council does so resolve, the Local Authorities (Committee System) (England) Regulations 2012 set out what powers are required to be given.
- 3.5 Under section 19 of the Police and Justice Act 2006 the Council is required to establish a crime and disorder committee (unless it has established an overview and scrutiny committee in which case that committee acts as the crime and disorder committee).
- 3.6 Under section 6 of the Licensing Act 2003 the Council must establish a Licensing Committee of at least ten Members and no more than fifteen Members to discharge the prescribed licensing functions under that Act and the prescribed gambling functions under the Gambling Act 2005.
- 3.7 Under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended, the Council is required to appoint a Panel (being an advisory committee under section 102(4) of the Local Government Act 1972) in respect of disciplinary action concerning its three statutory officers.
- 3.8 Although the Licensing Sub-Committee is set up by the Licensing Committee, the Licensing Sub-Committee appears in this report in order to provide a more complete picture of the Council's arrangements.

4. Issue, Options and Analysis of Options

- 4.1 The Committee Structure has been subject to change in recent years.

2013/14	2014/15
Strategy and Policy Board	Finance and Resources Committee
Community Services Committee	Housing Committee
Performance and Resources Committee	Environment Committee
Overview and Scrutiny Committee	Asset and Enterprise Committee
Planning and Development Committee	Community Committee
Licensing Committee (and Licensing Sub Committee)	Business and Town Centres Committee
Audit Committee	Planning and Development Committee
	Licensing Committee (and Licensing Sub Committee)
	Audit and Scrutiny Committee

4.2 Part 3.1 of the Constitution lists the powers and duties of the Committees appointed by Annual Council for 2014/15.

4.3 The proposed Committees for 2015/16 (including their suggested/required size and terms of reference) will be circulated after the Borough Elections. Additionally, the Constitution requires the Council to appoint a Staff Appointments Committee and a Dismissal Appeals Committee. There is also a requirement to have an advisory Committee in respect of the dismissal of the three statutory officers.

5. Reasons for Recommendation

5.1 The Council operates a committee system form of governance and is required by law to establish certain committees and has discretion to appoint other committees to facilitate the effective conduct of business under that committee system.

6. Consultation

6.1 The Chief Executive will consult with Group Leaders post the Borough Elections, 7 May 2015.

7. References to Corporate Plan

7.1 Establishing those Committees required by law and those it considers necessary to fulfil its functions should enable the Council to discharge

those functions in a timely, open and transparent way to deliver the Corporate Plan.

8. Implications

Financial Implications

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- 8.1 The cost of servicing the governance arrangements at the Council will be met from existing resources.

Legal Implications

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- 8.2 As set out in the body of the report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 None.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.1 None.

10. Appendices to this report

Appendix A: Committees 2015/16 and Their Terms of Reference (To follow)

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