

**To the Chair and Members of the
ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE**

**REVIEW OF COMMITTEES' AND SUB-COMMITTEES' TERMS OF REFERENCE FOR
2009/10**

EXECUTIVE SUMMARY

1. This report seeks the views of the Committee on proposed revisions to the Terms of Reference of Committees and Sub-Committees for the 2009/10 Municipal Year for recommendation to the Council for adoption at its Annual Meeting on 19th June, 2009, for the discharge of Council functions.

RECOMMENDATION

2. The Committee is requested to:-
 - (1) Consider and recommend to Full Council revisions to the existing Terms of Reference for the Committees and Sub-Committees of the Council as set out in Appendix A to this report and note the Terms of Reference for non-decision making bodies which are functions of the Council, as detailed in Appendix B to this report; and
 - (2) Note that the Mayor will determine how decisions in respect of Executive functions are to be taken.

BACKGROUND

3. At the Annual Council Meeting each year, Terms of Reference for the Authority's Committees and Sub-Committees are approved.
4. Appendix A to this report details the existing Terms of Reference of the Committees and Sub-Committees of Council listed below, including some proposed minor revisions with a view to this Committee proposing appropriate revisions to Full Council that will ensure that the Terms of Reference are robust and fit for purpose for the 2009/10 Municipal Year. Proposed deletions are crossed through whilst additions are shown in bold italics.

Planning Committee
Employee Relations Committee*
Employee Relations (Appeals Against Dismissal) Sub-Committee*
Employee Relations (Disputes Resolution) Sub-Committee*
Chief Officers' Appointments and Conditions of Service Committee*

Chief Officers Investigatory Sub-Committee *
JNC Chief Officers' Appeals Committee*
Licensing Committee*
Audit Committee
Elections and Democratic Structures Committee
Awards, Grants and Transport (Appeals) Committee
Standards Committee*
Standards (Assessment) Sub-Committee*
Standards (Review) Sub-Committee
Standards (Determination) Sub-Committee
Standards (Parish Councils) Sub-Committee
Overview and Scrutiny Management Committee
Overview and Scrutiny Standing Panels

(* Denotes a proposed amendment)

5. In addition, Appendix B details the Terms of Reference of the following non-decision making bodies which are functions of the Council:-
 - Joint Safety Committee
6. The Mayor has responsibility for and will determine the need and composition of Working Groups in respect of Executive functions together with their Terms of Reference. For example, Parish Councils JCC. As Working Groups are non-decision making, membership is not restricted to Members of Cabinet.

Proposed Revisions

7. Attention is drawn to the following revisions which are proposed and should be read in conjunction with Appendix A:-
 - (a) Employee Relations Committee

Paragraphs 1 and 4 have been merged to avoid duplication and provide more clarity. Paragraph 5 has been deleted, as this is the responsibility of the Employee Relations (Appeals Against Dismissal) Sub-Committee.
 - (b) Employee Relations (Appeals Against Dismissal) Sub-Committee

Paragraph 1 provides more clarity and is consistent with changes made to the Terms of Reference for the Employee Relations Committee.
 - (c) Employee Relations (Disputes Resolution) Sub-Committee

Paragraphs (i) and (ii) have been merged to avoid duplication and provide clarity. Job titles of Chief Officers have been removed as they are out-of-date and should be referred to as Chief Officers.
 - (d) Chief Officers' Appointments and Conditions of Service Committee

Paragraph (i) - the levels do not need to be referred to as it is clear who Chief Officers are. Paragraph (ii) – this provides more clarity and is consistent with changes made to the Terms of Reference for other

Committees. Paragraph (iii) – is an addition to the Committee’s terms of reference which transfers the former delegation point (viii) from the Chief Officers’ Investigatory Sub-Committee’s terms of reference, to this Committee, which has been amended to clarify the three Statutory Officers that it is applicable to (i.e. the Head of the Paid Service, Monitoring Officer and Section 151 Officer).

(e) Chief Officers Investigatory Sub-Committee

Delegated Matters:-

Opening paragraph – the statutory role should be referred to as the Section 151 Officer.

Paragraph (i) - provides more clarity and is consistent with changes made to Terms of Reference for other Committees.

Paragraph (ii) – the statutory role should be referred to as the Section 151 Officer.

Paragraph (iv) – the Committee have also determined local agreements so these should be referred to.

Paragraph (vi) – slight change to wording to provide clarity.

Paragraph (viii) - the original paragraph has been deleted and after it has been amended to clarify references to Statutory Officers it has been moved to the Chief Officers’ Appointments and Conditions of Service Committee, as outlined in paragraph (d) above. The new addition as paragraph (viii) reflects the recommendation of the Chief Officers’ Appointments and Conditions of Service Committee, following its consideration of a report on 15th January 2009, relating to revised discipline and dismissal procedures.

(f) JNC Chief Officers’ Appeals Committee

Paragraph 2 – this new addition to the terms of reference also takes into account recent changes agreed by the Chief Officers’ Appointments and Conditions of Service Committee, relating to the revised discipline and dismissal procedures.

(g) Licensing Committee

The amendments to the Terms of Reference for the Licensing Committee are minor and are aimed at reflecting the Committee’s responsibilities in respect of the Gambling Act 2005.

(h) Standards Committee

The addition to the Terms of Reference for the Standards Committee in paragraph (m) is to reflect a recommendation made by the Standards Board for England in its guidance on the Standards Committee (England) Regulations 2008, that the power to assist the recruitment of Independent

Members is delegated to the Standards Committee by the Authority and is included in the Committee's Terms of Reference.

(i) Standards (Assessment) Sub-Committee

The amendment proposed to the Terms of Reference for the Standards (Assessment) Sub-Committee in paragraph 1(i) seeks to reflect the fact that the Sub-Committee has the option of considering other action as an alternative to referring a complaint to the Monitoring Officer for investigation, such as arranging training for the subject member or a process of conciliation between the parties concerned, as set out in Regulation 13 (3) of the Standards Committee (England) Regulations 2008.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

8. Whilst other arrangements for the discharge of functions by the Full Council would be possible and lawful, the various Terms of Reference proposed represent a balance of responsibility which, it is suggested, best meet the needs of the Council and the services affected.

CONSULTATION

9. Members of the Council's Corporate Management Team and relevant lead Officers for each Committee/Sub-Committee were invited to submit any proposed revisions to Committee and Sub-Committee Terms of Reference, the details of which are set out in Appendix A to this report.

RISKS & ASSUMPTIONS

10. It is not envisaged that the proposed revisions to the Terms of Reference of Committee and Sub-Committees carry any particular risk to the Authority.

LEGAL IMPLICATIONS

11. Sections 101 and 102 of the Local Government Act 1972 empower the Council to arrange for the discharge of any of its functions by a Committee or Sub-Committee.
12. Sections 101 and 102 of the Local Government Act 1972 do not apply to the Licensing Committee or Licensing Sub-Committees. The Council is obliged by law to appoint a Licensing Committee under the Licensing Act 2003.
13. Appendices A and B set out respectively, decision making Committees and Sub-Committees for the purposes of Sections 101 and 102 and non-decision making bodies which are not Committees or Sub-Committees.

FINANCIAL IMPLICATIONS

14. There are no specific financial implications associated with this report.

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