

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

**REVIEW OF COMMITTEES' AND SUB-COMMITTEES' TERMS OF REFERENCE FOR
2010/11**

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 2010/11 Municipal Year for recommendation to the Council for adoption at its Annual Meeting on 21st May, 2010, 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 2010/11 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. 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

6. Attention is drawn to the following revisions which are proposed and should be read in conjunction with Appendix A:-

- (a) Audit Committee

The amendments to the Terms of Reference for the Audit Committee are minor changes to provide more clarification.

- (b) Standards (Assessment) Sub-Committee/Standards (Determination) Sub-Committee

References to the Standards Board for England have been updated to reflect the Board's new name of Standards for England.

7. In addition to the above, the Terms of Reference in respect of the Chief Officers' Appointments and Conditions of Service Committee have been updated to reflect the revision agreed at the Council meeting on 5th March 2010 to explicitly include appointment to posts at the level designated as Deputy Chief Officer in accordance with the provisions of the Local Government and Housing Act 1989.

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 Leadership 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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