



Doncaster
Metropolitan Borough Council

Agenda Item No. 5
6th July 2011

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

TERMS OF REFERENCE 2011/12

EXECUTIVE SUMMARY

1. The purpose of this report is to inform Members of proposed revisions to the Terms of Reference of the Elections and Democratic Structures Committee for the 2011/12 Municipal Year, which are due to be considered at the Full Council meeting on 21st July 2011 as part of a wider, detailed review of the Council's Constitution.

RECOMMENDATION

2. It is recommended that the Committee notes the proposed revisions to the Terms of Reference of the Elections and Democratic Structures Committee for 2011/12, as detailed in paragraphs 4 and 5 and Appendix A to this report, which are to be considered at the Council Meeting in July 2011.

BACKGROUND

3. At its Annual Meeting on 20th May, 2011, the Council agreed that the existing Terms of Reference of all Committees and Sub-Committees of the Council should remain in operation pending the outcome of a detailed review of the Council's Constitution, which is due to be reported to Full Council at its meeting on 21st July 2011. This review will include, where necessary, the updating of the Terms of Reference of the Council's Committees and Sub-Committees to ensure that these are robust and fit for purpose for the 2011/12 Municipal Year.
4. With regard to the Terms of Reference of the Elections and Democratic Structures Committee, the Constitution review will include proposed changes to reflect the fact that whilst this Committee will continue to have lead responsibility for reviewing most parts of the constitution, in future any proposed constitutional revisions relating to Code of Conduct issues or ethical governance will be reported directly to Council by the Standards Committee. Similarly, the Audit Committee will report direct to Council any proposed changes relating to corporate governance. This revision will help to streamline and clarify the procedures for approval of constitutional revisions falling within the remits of the Audit and Standards Committee in the future.
5. Additionally, the reference to the determination of Members' Allowances has been removed from the Terms of Reference of this Committee, as it is the responsibility of an Independent Remuneration Panel to recommend these changes to Full Council.

6. A copy of the Terms of Reference for the Elections and Democratic Structures Committee, incorporating the proposed revisions summarised above, is attached at Appendix A for Members' information. Any proposed deletions are crossed through whilst additional text is shown in bold italics.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

7. In order to discharge its functions effectively, the Committee is required to operate within an agreed Terms of Reference.

RISKS & ASSUMPTIONS

8. There are no identified risks associated with this report.

LEGAL IMPLICATIONS

9. 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.

FINANCIAL IMPLICATIONS

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

CONSULTATION

11. The Council's Directors and relevant lead Officers for each Committee/Sub-Committee were invited to submit any proposed revisions to Committee and Sub-Committee Terms of Reference, to be taken into account as part of the review of the Constitution, prior to being submitted to the Full Council for consideration and approval.

BACKGROUND PAPERS

12. Report to Annual Council 20th May, 2011: Committees' and Sub-Committees' Terms of Reference for 2011/12.

REPORT AUTHOR

Jonathan Goodrum, Democratic Services Consultant (Strategic)
E-mail: jonathan.goodrum@doncaster.gov.uk
Direct Dial: 01302 736709

Simon Wiles
Director of Finance and Corporate Services

ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE

This Committee is a Committee of the Council constituted under Sections 101 and 102 of the Local Government Act 1972.

1. TO MAKE RECOMMENDATIONS TO FULL COUNCIL IN RELATION TO:-

- i. Submission of proposals to the Secretary of State for pilot schemes for local elections.
- ii. To change the name of a parish.
- iii. To confer the title of honorary alderman or to admit to be an honorary freeman.
- iv. The making and revision of Byelaws.
- v. Promotion of or opposition to local or personal bills.
- vi. ~~Members Allowances.~~
- vi. vii Boundary, structural and electoral reviews.
- vii. viii. Any proposed revisions to the Council's Constitution ~~after inviting the Standards Committee to comment on such proposals.~~ ***except those in relation to the Code of Conduct, Ethical Governance and Corporate Governance issues.***
- viii. ix. To monitor, review and make recommendations on the operation of the Council's decision-making structures.

2. TO EXERCISE THE FUNCTIONS OF FULL COUNCIL IN RELATION TO:-

- i. Electoral Registration and Elections.
- ii. All other Full Council functions not specifically dealt with by other Committees or reserved to the Council.
- iii. Health and Safety within the meaning of Part 1 of the Health and Safety at Work Act 1974 other than in the Council's capacity as an employer.