

Bath & North East Somerset Council

MEETING:	Council
MEETING DATE:	12th May 2016
TITLE:	Appointment of Committees and Panels and other Annual Business
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: Appendix 1 - Current Terms of Reference of Panels and Committees in the Council's Constitution Appendix 2 - Constitution Working group proposed amendments Appendix 3 – Public Rights of Way functions – delegated powers	

1 THE ISSUE

1.1 This report invites the Council to consider its non-executive and Regulatory Committee arrangements for the Council Year May 2016 to May 2017 and associated annual business.

2 RECOMMENDATION

Council is asked to:

- 2.1 Approve a structure for non-executive and regulatory decision making, and the scrutiny function as set out in the Constitution and identified in its current form in this report at Appendix 1;
- 2.2 Note that there has been a change to the political group numbers, and agree that the status quo on proportionality will remain until confirmation of future group numbers has been achieved, when a review will be brought to a future Council meeting;
- 2.3 Approve the terms of reference for Committees and Panels etc as set out in Appendix 1 to the report and constitute those bodies accordingly;
- 2.4 Appoint as Chairs of such bodies, those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
- 2.5 Authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in

accordance with the wishes of the political groups and the allocation of chairing entitlements made at this meeting;

- 2.6 Determine the bodies on which independent members (if any) are to have seats as either voting or non-voting members and appoint such members accordingly;
- 2.7 Authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as out lined in paragraph 6.1;
- 2.8 Note that an Independent Panel to consider members' allowances has been established and that it will report its recommendations to the next convenient Council meeting;
- 2.9 Instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies, where such vacancies arise;
- 2.10 Note that the Monitoring Officer has made an amendment to the Constitution as set out in paragraph 7.2;
- 2.11 That the amendments to the Council's Constitution as set out in Appendix 2 to the report be approved;
- 2.12 Agree changes to the Public Rights of Way delegation scheme as described in section 7.3 (the proposed scheme is attached as Appendix 3);
- 2.13 Note the position regarding the frequency of meetings (as set out in Section 8) as the basis for enabling the diary of meetings to be prepared, and to authorise the Monitoring Officer to project dates forward and prepare the diary on this basis.
- 2.14 Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 None.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The Council is required to put in place arrangements for the effective discharge of its business.

5 APPOINTMENT OF COMMITTEES AND PANELS AND THEIR CHAIRS AND MEMBERS

5.1 The Council's Constitution sets out the approved executive, non-executive and regulatory decision making structure and the Council's policy development and scrutiny arrangements. The size, terms of reference and delegated powers of

those bodies are set out in the Constitution and attached as Appendix 1 to this report.

6 ARRANGEMENTS CONCERNING OVERVIEW AND SCRUTINY BUSINESS

6.1 The trend towards collective scrutiny by West of England Councils and participation in a wider range of scrutiny activity on a regional basis is likely to continue. For this reason, it is proposed that any Panel should be able to participate in informal joint working with other Councils when it is expedient and cost-effective for there to be a collective approach.

7 CHANGES TO THE COUNCIL'S CONSTITUTION

7.1 The Constitution working group met again on 17th March 2016 and have put forward the proposed amendments contained in Appendix 2;

7.2 In order to address an unlawful provision in the Constitution, the Monitoring Officer made the following delegated decision on 19th April 2016 regarding part 4A, rule 31(d);

- *The decision – to delete the words “or as a result of a petition, statement or deputation submitted to the meeting.”*
- *The rationale – adopting a recommendation without proper advance notification of the item in accordance with the Local Government Act 1972 100 (b) 4, and without it being deemed as urgent business, is not permissible.*

7.3 Public Rights of Way functions – delegated powers

The Divisional Director for Environmental Services has agreed changes to the delegation scheme for the public rights of way functions. The scheme includes a new function so is submitted to Council for approval.

The changes are:

- Highways Stopping up applications are included; they are not currently covered by a Scheme of Delegation and they recently came under the PROW Team's responsibility.
- The job title for Kelvin Packer, Group Manager Highways & Traffic, has been brought up to date;
- Minor functions (like authorising a new gate) are delegated to 'Team Manager - Highways Maintenance & Drainage' and 'Senior Officer: Public Rights of Way'.

8 COUNCIL MEETING SCHEDULE

8.1 The frequency of Full Council, Committee and Panel meetings is decided by the Council. The general pattern of Committee and Policy Development & Scrutiny Panel meetings is based on a meeting cycle of once every two months. The Development Management Committee meets on a monthly cycle. The Licensing Sub-Committee meets as required to deal with the applications. Committees and Panels have discretion to vary their schedule of meetings according to workload, but Members need to be aware that there are resource

and workload implications if there are significant changes made to the overall frequency of meetings.

8.2 Once meeting dates are arranged, they are available online.

9 OTHER ISSUES

9.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require any decisions taken by the Cabinet or single Cabinet Member under special urgency provisions in the previous year to be reported to Council (Constitution part 4b, rule 16 refers). This Council has decided that will happen on an annual basis.

9.2 No such decisions were taken in the previous year.

10 RISK MANAGEMENT

10.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

11 EQUALITIES

11.1 Equalities Impact Assessments have been carried out on the Access to the Democratic process and the Overview & Scrutiny Strategic and Democratic function and are available for public inspection.

12 ADVICE SOUGHT AND CONSULTATION

12.1 The Council's Chief Executive, Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

12.2 Group Leaders have been consulted on relevant aspects of this report.

Contact person	Jo Morrison, Democratic Services Manager, ext 4358
Background papers	The Council's Constitution
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