

# COUNCIL

27 MARCH 2018

## REPORT OF HEAD OF GOVERNANCE AND LEGAL SERVICES

### A.1 COMMITTEE STRUCTURE REVIEW

(Report prepared by Ian Ford, Karen Neath, Lisa Hastings and Martyn Knappett)

#### PART 1 – KEY INFORMATION

##### **PURPOSE OF THE REPORT**

To consider the recommendations made by the Electoral Review Working Group in relation to the ongoing implementation of a new committee structure.

##### **EXECUTIVE SUMMARY**

Council, at its meeting held on 23 January 2018 (Minute 116 refers), considered a report of the Head of Governance and Legal Services (A.6) which had provided the recommendations made by the Electoral Review Working Group in respect of –

- a) *the proposed terms of reference for the two new overview and scrutiny committees be approved;*
- b) *the names of the two new overview and scrutiny committees be the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee;*
- c) *the Chairman of the Resources and Services Overview and Scrutiny Committee be a member of a political group that is not represented on the Cabinet;*
- d) *eight ordinary meetings of the Resources and Services Overview and Scrutiny Committee be held in any municipal year;*
- e) *the size of the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee be set at eleven (11) members each for the 2018/2019 municipal year (with a review of that number of seats to be undertaken in readiness for the 2019/2020 municipal year);*
- f) *provisional work programmes for the two new overview and scrutiny committees be presented to the Annual Meeting of the Council in April 2018 with the new overview and scrutiny committees, at their respective inaugural meetings, considering those provisional work programmes, as appropriate, and determining their actual work programmes and the role that task and finish groups will take to implement those work programmes; and*
- g) *suggestions made in respect of the terms of reference for the new overview and scrutiny committees.*

The Working Group had also agreed that further consideration was required for 2019 in relation to –

- (1) *cross-membership of the Local Plan and Planning Committees;*
- (2) *whether the Planning Committee should meet in the daytime; and*
- (3) *training of Members, the related rights to attend certain committees of the Council and the implications for the Council's Constitution.*

It had been noted that further work would be undertaken by the Monitoring Officer to review the Overview and Scrutiny Procedure Rules in order to ensure consistency and that should any amendments be required to those Procedure Rules, they would be reported to

this meeting of the Full Council.

Council had **RESOLVED** that, with effect from the Annual Meeting of the Council on 24 April 2018, -

- (a) *the proposed terms of reference for the two new overview and scrutiny committees, as set out in the Appendix to item A.6 of the Report of the Head of Governance and Legal Services, be approved; and*
- (b) *the other recommendations made by the Electoral Review Working Group, as detailed in the Executive Summary of the report referred to above, be adopted.*

Members of the Electoral Review Working Group attended a meeting held on 6 March 2018 when they conducted a “tidying up” exercise of the remaining issues with a view to finalising their review of the Council’s committee structure.

The key issues considered were:-

1. Names of Committees/Sub-Committees (other than the already agreed names for the two new O & S Committees);
2. The size of membership for Committees/Sub-Committee in 2018/19 (other than the new Resources and Services O & S Committee)
3. The Terms of Reference for the existing Human Resources Committee and the Council Tax Committee to be combined without any changes for the proposed Human Resources & Council Tax Committee;
4. The Terms of Reference for the other non-O & S Committees;
5. The proposed reduction in the number of Premises/Personal Licences Sub-Committees from three to one;
6. The proposal that the membership of the P/P Licences Sub-Committee will be chosen on a rota basis for each meeting from the trained membership of the Licensing and Registration Committee;
7. Noting the proposed meeting dates of the new overview and scrutiny committees;
8. A half-year review of the new Committee Structure to be undertaken and reported in accordance with the Constitution to Full Council; and
9. A review of the Overview and Scrutiny Procedure Rules to ensure consistency.

The outcomes of the Working Group’s deliberations are set out below.

On completion of the business set out below the Electoral Review Working Group will focus solely on the outcome of the Community Governance Reviews.

The half-year review of the committee structure and associated constitutional matters will be undertaken by the Finance and Corporate Resources Portfolio Holder’s Constitution Review Working Party.

## **RECOMMENDATION**

**It is recommended to Council that –**

**(a) with effect from the Annual Meeting of the Council on 24 April 2018:-**

- (1) the names of the non-overview and scrutiny committees and sub-committees in the new committee structure be as follows:-**

**Audit Committee**

**Human Resources and Council Tax Committee  
Licensing and Registration Committee  
Local Plan Committee  
Planning Committee  
Standards Committee  
Miscellaneous Licensing Sub-Committee  
Premises/Personal Licences Sub-Committee  
Town and Parish Councils Standards Sub-Committee**

- (2) the size of membership of committees and sub-committees in the new committee structure be confirmed as follows:**

**Audit Committee (7 Members)  
Human Resources and Council Tax Committee (11 Members)  
Licensing and Registration Committee (11 Members)  
Local Plan Committee (15 Members)  
Planning Committee (11 Members)  
Standards Committee (7 Members)  
Miscellaneous Licensing Sub-Committee (8 Members)  
Premises/Personal Licences Sub-Committee (3 Members)  
Town and Parish Councils Standards Sub-Committee (3 TDC Members + 3 Parish Members)**

- (3) the terms of reference of the non-overview and scrutiny committees and sub-committees in the new committee structure remain as they are at present with the exception of the new Human Resources and Council Tax Committee whose proposed terms of reference will be formed by the combination, with no changes made, of the terms of reference for the existing Human Resources Committee and the Council Tax Committee**
- (4) the number of Premises/Personal Licences Sub-Committees be reduced to from three to one and that its membership be chosen on a rota basis for each meeting from the trained membership of the Licensing and Registration Committee**
- (5) the Overview and Scrutiny Procedure Rules be amended to reflect:**
- (i) the number of committees;**
  - (ii) the number of ordinary meetings to be scheduled annually for each committee;**
  - (iii) the general role and principles of the overview and scrutiny functions; and**
  - (iv) clearer reference to Task and Finish Review Groups.**

**The proposed amendments are shown in Appendix A.**

- (b) a review of the new committee structure and associated constitutional matters be undertaken after its first six months of operation (i.e. in November 2018) and that its outcome be reported in accordance with the Constitution to Full Council at its meeting due to be held on 22 January 2019. Such review will include considering, and making recommendations on, the size of the membership of Committees/Sub-Committees post the May 2019 District Elections when the number of Councillors on Tendring District Council will be reduced from 60 to 48.**

- (c) the Centre for Public Scrutiny be invited to give their input on the operation of the new committee structure
- (d) the potential cross-membership of the Planning Committee and the Local Plan Committee and the potential for daytime meetings of the Planning Committee be included as part of the half-year review
- (e) issues around the training of Members and their rights to sit on certain Committees e.g. Audit, Licensing & Registration, Planning and Standards be also included as part of the half-year review

## **PART 2 – SUPPORTING INFORMATION**

### **THE DELIBERATIONS OF THE ELECTORAL REVIEW WORKING GROUP**

#### **Names of Committees and Sub-Committees**

The Working Group had regard to the, in principle, decision taken by Full Council at its meeting held on 21 November 2017 (Minute 94 refers) in respect of the proposed new committee structure and Council's subsequent decision taken at its meeting held on 23 January 2018 (Minute 116 refers) to name the two new overview and scrutiny committees the Community Leadership O & S Committee and the Resources and Services O & S Committee.

After discussion, the Working Group recommended that the names of the other committees and sub-committees in the new committee structure be confirmed as follows:-

Audit Committee  
Human Resources and Council Tax Committee  
Licensing and Registration Committee  
Local Plan Committee  
Planning Committee  
Standards Committee  
Miscellaneous Licensing Sub-Committee  
Premises/Personal Licences Sub-Committee  
Town and Parish Councils Standards Sub-Committee

#### **Size of Membership of Committees and Sub-Committees**

The Working Group was aware that Full Council on 23 January 2018 had also fixed the membership of the new Community Leadership Overview and Scrutiny Committee and the new Resources and Services Overview and Scrutiny Committee at 11 Members each.

After discussion, the Working Group recommended that the size of membership of the other committees and sub-committees in the new committee structure remain unchanged with the exception of the Audit Committee which will have seven members (up from the current five members, the Human Resources & Council Tax Committee which will have eleven members (reduced from the current fourteen members) and the Licensing & Registration Committee which will have eleven members (reduced from the current fifteen members).

### **Terms of Reference of the non-overview and scrutiny committees and sub-committee**

The Working Group had regard to the Council's decision taken at its meeting held on 23 January 2018 (Minute 116 refers) in respect of the terms of reference of the two new overview and scrutiny committees (the Community Leadership O & S Committee and the Resources and Services O & S Committee).

After discussion, the Working Group noted that the terms of reference of the non-overview and scrutiny committees and sub-committees in the new committee structure would remain as they are at present with the exception of the new Human Resources and Council Tax Committee whose proposed terms of reference will be formed by the combination, with no changes made, of the terms of reference for the existing Human Resources Committee and the Council Tax Committee.

### **Number and Composition of the Premises/Personal Licences Sub-Committees**

The Working Group was aware that there are currently three Premises/Personal Licences Sub-Committees of three members each with their respective memberships appointed at the Annual Meeting of the Council each year. In the light of the current workload of these Sub-Committees the Working Group recommended that the number of Premises/Personal Licences Sub-Committees be reduced to one and that its membership be chosen on a rota basis for each meeting from the trained membership of the Licensing and Registration Committee.

### **Draft Programme of Meetings for the 2018/2019 Municipal Year**

The Working Group noted the proposed meeting dates of the new overview and scrutiny committees in the 2018/2019 municipal year which were as follows:-

#### **Community Leadership Overview and Scrutiny Committee**

Monday 4 June 2018  
Monday 3 September 2018  
Monday 3 December 2018  
Monday 4 March 2019

#### **Resources and Services Overview and Scrutiny Committee**

Monday 21 May 2018  
Monday 25 June 2018  
Monday 30 July 2018  
Monday 17 September 2018  
Monday 19 November 2018  
Monday 17 December 2018  
Monday 11 February 2019  
Monday 18 March 2019

### **Half-Yearly Review of the implementation of the new Committee Structure**

The Working Group recommended that a half-year review of the new committee structure be undertaken after its first six months of operation (i.e. in November 2018) and its outcome reported in accordance with the Constitution to Full Council at its meeting due to be held on 22 January 2019. The Working Group also agreed that the review should also

consider and make recommendations on the size of the membership of Committees/Sub-Committees post the May 2019 District Elections when the number of Councillors on Tendring District Council would be reduced from 60 to 48.

The Working Group also recommended that The Centre for Public Scrutiny be invited to give their input on the operation of the new committee structure.

#### **Potential cross-membership of the Planning Committee and the Local Plan Committee and the potential for daytime meetings of the Planning Committee**

The Working Group was aware that these issues would be looked at as part of the half-year review of the new committee structure.

#### **Training of Members and rights to sit on certain Committees e.g. Audit, Licensing & Registration, Planning and Standards**

The Working Group was aware that these issues would be looked at as part of the half-year review of the new committee structure.

#### **Overview and Scrutiny Procedure Rules**

The Working Group gave consideration to suggested amendments to the wording of the Overview and Scrutiny Committees which had been drawn up by the Monitoring Officer and attached as Appendix A.

The Working Group recommended that, subject to the further amendments put forward by Members of the Working Group, the amended Overview and Scrutiny Procedure Rules be approved and implemented with effect from the Annual Meeting of the Council.

#### **BACKGROUND PAPERS FOR THE DECISION**

None

#### **APPENDICES**

Appendix A: Amended Overview and Scrutiny Procedure Rules (proposed amendments shown in red or purple)