

ANNUAL COUNCIL

8 May 2017

ESTABLISHMENT OF SCRUTINY PANELS AND STANDING COMMITTEES AND SCHEME OF DELEGATION

Report of the Director for Resources

| | | |
|--------------------------------|--|---------------------------------------|
| Strategic Aim: | All | |
| Exempt Information | No | |
| Cabinet Member(s) Responsible: | Mr T Mathias, Leader, Portfolio Holder for Finance and Places (Highways, Transport and Market Towns) | |
| Contact Officer(s): | Debbie Mogg, Director for Resources | 01572 758358 dmogg@rutland.gov.uk |
| | Natasha Brown, Corporate Support Coordinator | 01572 720991 nbrown@rutland.gov.uk |
| Ward Councillors | N/A | |

DECISION RECOMMENDATIONS

That Council:

1. Appoints the Scrutiny Panels and Standing Committees as set out at paragraph 5 of the report for the Municipal Year 2017/18;
2. Approves the terms of reference for Scrutiny Panels as set out in Appendix A;
3. Approves the terms of reference for Standing Committees and the Scheme of Delegation as set out in Part 8 of the Constitution shown Appendix B;
4. Approves the proposed changes to Close of Meetings Procedure Rules as detailed in Section 6 of the report;
5. Approves the revised public speaking scheme for the Planning and Licensing Committee as set out in Appendix C;
6. Authorises the Monitoring Officer to incorporate the revisions and changes above into the Council's Constitution.

1 PURPOSE OF THE REPORT

- 1.1 The Constitution provides that under Part 4 Section 1, Procedure Rule 22 that the Annual Council meeting considers the establishment and terms of reference of Scrutiny Panels and Standing Committees.
- 1.2 A review of the current structure of Scrutiny Panels and Committees has taken place and this report presents a proposal for approval by Council. Changes to the current structure are detailed at paragraphs 3 and 4 of the report.

- 1.3 The Council must consider the structure before seats can be allocated in accordance with political balance rules.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 There are currently 82 seats/voting places on the Council, as set out in the table below:

| Committee | No. of places |
|---|----------------------|
| Audit and Risk Committee | 7 |
| Conduct Committee | 6 |
| Development Control and Licensing Committee | 12 |
| Employment and Appeals Committee | 7 |
| Licensing Act Committee | 10 |
| Adults and Health Scrutiny | 10 |
| Children's Scrutiny | 10 |
| Places Scrutiny | 10 |
| Resources Scrutiny | 10 |
| Total | 82 |

- 2.2 In addition, there is a Health and Wellbeing Board, a Chief Officer Appointments Panel, Constitution Review Working Group plus appointments to Outside Bodies and other Fora.

3 PROPOSED CHANGES - SCRUTINY

- 3.1 It is proposed that the Places and Resources panels be merged. Along with the People (Children) and People (Adults and Health) Panel this would result in 3 separate Scrutiny Panels to be named as follows:

- Growth, Infrastructure and Resources
- Children and Young People
- Adults and Health

Each panel will have a membership of 7 members (plus co-opted members for Children and Young People), and will meet 6 times per year, including the budget meeting. The revised terms of reference for the Scrutiny Panels can be found at **Appendix A**.

4 PROPOSED CHANGES - COMMITTEES

Development Control & Licensing Committee and Licensing Act Committee

- 4.1 It is proposed that the responsibilities within the two committees are brought together under the umbrella of a (renamed) Planning and Licensing Committee, a committee with 10 places.
- 4.2 A sub-committee (panel) will be required to deal with applications in respect of the Licensing Act 2003, consisting of three members that have had appropriate training. (in the same way that the Alcohol and Entertainment Panel operates now).

- 4.3 Terms of reference have been developed for the new committee which has provided the opportunity to review delegations in respect of planning. It is proposed that all functions, applications and powers in respect of enforcement be delegated to officers in consultation with the Chairman, or Vice- Chairman of the Committee (Appendix B, Section 7.4.1 b)) The revised terms of reference can be found at section 7 of **Appendix B**.
- 4.4 It is proposed that the start time for the Planning and Licensing Committee be revised to 7pm to bring it into line with other committees and scrutiny panels and Procedure Rule 119 be amended accordingly.

Employment and Appeals Committee

- 4.5 It is proposed that the terms of reference be amended to incorporate the responsibility for establishing panels for chief officer appointments, from the committee membership plus relevant portfolio holder. A separate Chief Officer Appointment Panel would no longer be required.
- 4.6 The revised terms of reference can be found at section 8 of **Appendix B**.

Audit and Risk Committee

- 4.7 The terms of reference for this committee have been updated based on the guidance within the 'Toolkit for Local Authority Audit Committees' published by the Chartered Institute of Public Finance and Accountancy (CIPFA). They were reviewed and endorsed by the Committee on 25 April 2017.
- 4.8 The revised terms of reference can be found at section 6 of Appendix B.

5 REVISED COUNCIL STRUCTURE

- 5.1 The changes set out in paragraphs 3 and 4 above result in a total number of seats on the Council of 51, as set out in the table below:

| Committee | No. of places |
|---|----------------------|
| Audit and Risk Committee | 7 |
| Conduct Committee | 6 |
| Planning and Licensing Committee | 10 |
| Employment and Appeals Committee | 7 |
| Adults and Health Scrutiny | 7 |
| Children's Scrutiny | 7 |
| Sustainable Growth and Resources Scrutiny | 7 |
| Total | 51 |

6 PROPOSED CHANGES – OTHER AREAS

- 6.1 It is proposed that Procedure Rule 58 Close of Meetings, be amended to reflect a maximum 2.5 hour time limit for scrutiny panels and committee meetings, plus two 15 minute extensions as follows:
- i) No meeting of the Council shall continue after 9.30pm unless a Motion to extend the time is approved.

- ii) A Member may move that the time for the meeting be extended by 15 minutes in order to deal with any specific or any outstanding matter on the agenda.
- iii) No more than two extensions of 15 minutes shall be allowed.

- 6.2 A new public speaking scheme for Planning and Licensing Committee is proposed and can be found at Appendix C to the report. It is proposed that this scheme is applicable to Planning and Licensing Committee and to meetings of Full Council when a planning application is considered.
- 6.3 This public speaking scheme is intended to provide more clarity for members of the public and other parties wishing to speak to the Council's elected Councillors when they are deciding a planning application. Part 4, Section 2 (Committee Procedure Rules) of the Councils Constitution will be amended to incorporate the changes under the public speaking scheme.
- 6.4 It is proposed that where planning applications are considered by Full Council, the Rules of Debate for Committees and Sub Committees (Procedure Rule 104) should apply. Part 4, Section 1 (Council Procedure Rules) of the Councils Constitution will be amended accordingly.

7 SCHEME OF DELEGATION

- 7.1 The Scheme of Officer Delegation within Appendix B has been reviewed and minor changes made to ensure it is up to date.

8 CONSULTATION

- 8.1 The proposed changes detailed in the report have been formulated following consultation with Group Leaders. The Constitution Review Working Group (CRWG) received a summary of the proposed changes at their meeting held on 20 April 2017. The CRWG were supportive of the proposed changes.

9 ALTERNATIVE OPTIONS

- 9.1 The alternative option is for the current structure to remain unchanged or an alternative structure developed in accordance with legislative and constitutional requirements.

10 FINANCIAL IMPLICATIONS

- 10.1 A small saving will be made as a result of there being less Scrutiny Panels and Committees.

11 LEGAL AND GOVERNANCE CONSIDERATIONS

- 11.1 The proposed structure is in accordance with Procedure 13 of the Council Constitution – Appointment of Standing Committees and Procedure Rule 22 – Agenda for Annual Meeting which states that Annual Council must appoint at least one overview and scrutiny committee and such other committees as it considers appropriate to deal with the matters which are neither reserved to the Full Council nor are executive (Leader and Cabinet) functions and determine the

terms of reference and number of voting places on those committees and scrutiny panels.

12 EQUALITY IMPACT ASSESSMENT

- 12.1 An Equality Impact Assessment Screening Form (EqIA) has been completed. No adverse or other significant issues were found

13 COMMUNITY SAFETY IMPLICATIONS

- 13.1 There are no community safety implications.

14 HEALTH AND WELLBEING IMPLICATIONS

- 14.1 There are no health and wellbeing implications.

15 BACKGROUND PAPERS

- 15.1 There are no additional background papers to the report.

16 APPENDICES

- 16.1 Appendix A – Revised Terms of Reference Scrutiny Panels (Procedure Rule 212)
- 16.2 Appendix B – Revised Part 8 RCC Constitution (Terms of Reference and Scheme of Delegation to Officers)
- 16.3 Appendix C -Revised public speaking scheme for the Planning and Licensing Committee.

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