

POLICY AND RESOURCES COMMITTEE – 22 JANUARY 2019

PART I – DELEGATED

5. CREATION OF SUB-COMMITTEES OF POLICY AND RESOURCES COMMITTEE (CED)

1 Summary

1.1 At the Full Council meeting on 11 December 2018 a motion was passed as follows:

“This Council notes that Councillors have been elected to take decisions for the benefit of local residents and that presently there are a growing number of areas where significant powers have been delegated.

This Council agrees that the decision making process and the decisions themselves should be open to public scrutiny. This can only be done by having public meetings with fully published agendas and public access. Accordingly working parties will no longer be used; all significant decisions will go to an appropriate public committee for deliberation and decision.”

2 Detail

2.1 In reality decisions have only ever been taken by Members through the Committee process or through Officers acting under delegated powers. Working parties had no ability to make any decisions on behalf of the Council; they were merely a mechanism for small groups of Members to meet on particular topics with a remit to report back to Committees to make any formal decisions needed. Examples are the Constitution Working Party, and the Local Plan Working Party and these working parties did not have to be politically proportionate and any Member was eligible to sit on them.

2.2 Following the motion and to enable work on the Local Plan to be continued, Officers are now advising that the Committee sets up a sub-committee of this Committee to undertake this work. It is not proposed to delegate any decision-making powers to the sub-committee which will be given a specific remit and tasked to report back to this Committee and to Council where necessary to make all decisions needed. Only Members of Policy and Resources Committee would be eligible to sit on the sub-committee which would have to be politically proportionate

2.3 Members are also asked to consider whether a standing sub-committee to deal with reviews of the Constitution should also be set up at this time. It can meet as required and can then be used to discuss any necessary amendments or reviews, again reporting back to this Committee and Council to make the decisions

2.4 The remits for the proposed sub-committees are as set out in Appendix 1 and 2.

3 Details

3.1 As the responsibility for the matters considered by the two extant Working Parties (Constitution and Local Plan) are under the remit of the Policy and Resources Committee, it is for this Committee to establish the one or two sub-committees.

3.2 Any sub-committee will need to be proportional to the number of seats each Political Group holds on the Council with its membership being taken from the Policy and Resources Committee Members.

4 Options and Reasons for Recommendations

- 4.1 That the Committee establishes two sub-committees of the Policy and Resources Committee with the following proportional membership:
- 4.1.1 8 Members on the Local Plan sub-committee with the political proportionality being 5, 3 and 1; and
- 4.1.2 8 Members on the Constitution sub-committee with the political proportionality being 5, 3, 1.
- 4.1.3 Due to the commercial confidentiality of the work on the Local Plan sub-committee, whilst the agendas for the meeting will be published on the Council's website it is highly likely that the majority of the meeting will need to be held in Part II. As such the reports will remain confidential until such time as the information can be published for the press and public.
- 4.1.4 With regard to the Constitution sub-committee, Officers can see no reason at this time why these meetings cannot be held in public. The matters considered by the sub-committee would be amendments to the Council Constitution.

5 Policy/Budget Reference and Implications

- 5.1 The recommendations in this report are within the Council's budgets.

6 Financial, Equal Opportunities, Environmental, Community Safety, Public Health, Customer Services Centre, Risk Management and Health & Safety Implications

- 6.1 None specific.

7 Legal Implications

- 7.1 As set out in the report:
- Policy and Resources Committee have the power to set up sub-committees
 - Membership of the sub-committees derives from the membership of the Committee itself
 - The membership has to be politically proportionate
 - The sub-committee can be given delegated authority to make decisions within its remit save where reserved to Council such as constitutional changes and some aspects of the local plan framework
 - The provisions of Schedule 12A of the Local Government Act 1972 will apply to meetings of the sub-committee so they have to be held in public unless there are exceptions to the rule which allows for the meeting to move into private as Part 2 business.
 - Council has agreed that all Members can act as substitute Members. In view of the nature of the work of the Local Plan sub-committee it is of course desirable for there to be consistency within the attending membership. Substitutes should only be allowed in exceptional circumstances and not as a matter of course.

8 Equal Opportunities Implications

8.1 None specific.

9 Communications and Website Implications

9.1 Details of the meetings and agendas will be published for both the sub-committees on the Council's website.

10 Risk Management and Health & Safety Implications

10.1 In some exceptional cases (e.g. a recommendation "to note the report") there are no risks associated with the decision Members are being asked to make, in which case enter 'none specific' and delete the remainder of paragraph 13.

10.2 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

10.3 The subject of this report is covered by the Committee service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this service plan.

10.4 There are no risks to the Council in agreeing the recommendations.

11 Recommendation

11.1 That two sub-committees namely Local Plan sub-committee and Constitution sub-committee of the Policy and Resources Committee be created with the following proportional membership:

- 8 Members on the Local Plan sub-committee with the political proportionality being 5, 3 and 1;
- 8 Members on the Constitution sub-committee with the political proportionality being 5, 3, 1;
- That no decision making powers be delegated to the sub-committees;
- That substitute Members be allowed;
- That the remit for the sub-committees be agreed.

Report prepared by: Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources: Full Council meeting 11 December 2018

[Council Constitution](#)

Data checked by: Anne Morgan, Solicitor to the Council

Data rating:

1	Poor	
----------	-------------	--

2	Sufficient	√
3	High	

Background Papers

Council Action Sheet – 11 December 2018

APPENDICES / ATTACHMENTS

Appendix 1 – Draft Terms of Reference Local Plan Sub-Committee

To make recommendations to the Policy and Resources Committee in respect of the preparation of the Local Plan in line with the most up to date Local Development Scheme which includes preparation, consultation, publication, submission and examination stages.

Appendix 2 – Draft Terms of Reference of Constitution Sub-Committee

To review the Council's Constitution and Governance arrangements and to make recommendations to the Policy and Resources Committee for Council ratification.