



AGENDA ITEMS (1 - 12)

**COUNCIL MEETING**

**15TH MAY 2007**

**ANNUAL BUSINESS**

**REPORT OF THE HEAD OF LEGAL SERVICES**

**1. APPOINTMENT OF HONORARY ALDERMEN**  
(CPR 1.1 (iv))

See separate report attached.

**2. ELECTION OF LORD MAYOR**  
(CPR 1.1 (ii))

The City Council is recommended to elect a Lord Mayor of the City of Bristol for the 2007/08 municipal year.

**3. ELECTION OF DEPUTY LORD MAYOR**  
(CPR 1.1 (iii))

The City Council is recommended to elect a Deputy Lord Mayor of the City of Bristol for the 2007/08 municipal year.

**4. MINUTES - 27 MARCH 2007**  
(CPR 1.1 (v))

to approve the minutes of the meeting of Council held on 27<sup>th</sup> March 2007 as a correct record.

**5. DECLARATIONS OF INTEREST**

(CPR 1.1 (vi))

**6. LORD MAYOR'S ANNOUNCEMENTS**

(CPR 1.1 (vii))

**7. ELECTION OF LEADER OF THE COUNCIL**

(CPR 1.1 (viii))

The City Council is recommended to elect a Leader of the Council of the City of Bristol for the 2007/08 municipal year.

**8. NUMBER AND APPOINTMENT OF MEMBERS OF THE EXECUTIVE**

(CPR 1.1 (ix))

The City Council is recommended to elect a number of Executive Members (*maximum of 10, minimum of 3, including the Leader of the Council*) for the 2007/08 municipal year.

**9. DELEGATIONS BY THE LEADER OF COUNCIL**

(EPR 1.2)

The delegations made by the Leader of the Council for inclusion in the Council's scheme of delegation at part 3 of the Constitution for the 2007/08 municipal year will be presented by the Leader at the meeting.

**10. APPOINTMENT AND TERMS OF REFERENCE OF COMMITTEES**

**Purpose of Report**

- 10.1 To consider the composition and terms of reference of committees for the ensuing municipal year.

**Background**

- 10.2 In accordance with CPR1.1 (x) the city 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 functions.

### **(a) Arrangements for Overview and Scrutiny**

10.3 In previous years an *Overview and Scrutiny Management Committee* has been established with overall co-ordinating responsibilities for the overview and scrutiny function of the city council, and it is proposed that this be re-established for the 2007/08 municipal year. The proposed terms of reference are set out in appendix A to this report. The Overview and Scrutiny Management Committee is responsible for establishing such scrutiny commissions and scrutiny select committees as it sees fit.

### **(b) Arrangements for non-executive functions**

10.4 During 2006/2007 the city council established the following committees:

- 5 committees to deal with regulatory / quasi judicial matters
- 1 committee to deal with appeals
- 5 other committees to deal with other non-executive matters.

### **(c) Regulatory Committees**

10.5 The city council is recommended to re-establish the 5 regulatory committees as follows for 2007 / 2008:

Development Control (North and West) Committee  
Development Control (South and East) Committee  
Development Control (Major Development and General Purposes) Committee  
(see appendix B)  
Public Safety and Protection Committee  
(see appendix C)  
Public Rights of Way & Greens Committee  
(see appendix D)

#### **(d) Appeals Committee**

- 10.6 During the 2006 / 2007 municipal year, an *Appeals Committee*, was established. The proposed terms of reference are set out in appendix E to this report. The city council is asked to re-establish this committee for 2007/08.

#### **(e) Other Non-Executive Committees**

- 10.7 Five other committees were established at annual Council last year to deal with other non executive functions.
- 10.8 In accordance with the Officer Procedure Rules (OER), the city council has a duty to have in place processes for the appointment and dismissal of first and second tier appointments. Accordingly it is proposed that the *Selection Committee* be re-established for 2007 / 2008. Last year the Committee comprised of 7 members.
- 10.9 It is also proposed to re-establish the *Outside Bodies Committee*, the *Human Resources Committee* and the *Joint Health Scrutiny Committee*, and the *Audit Committee*.
- 10.10 The City Council is recommended to approve the establishment of the following committees for 2007/2008:
- Human Resources Committee (see appendix H)
  - Outside Bodies Committee (see appendix I)
  - Selection Committee (see appendix J)
  - Audit Committee (see appendix K)
  - Joint Health Scrutiny Committee (see appendix L)

#### **(f) Statutory Committees**

- 10.11 There are also two statutory committees and Council is referred to their terms of reference (Appendix F & G). These committees are continuing thus the annual re-establishment is not required.

Under recent regulations made under Section 212 of the Gambling Act the Council must determine the amount of certain fees to be levied under the new regime. It is proposed that Council delegate the fee-setting function to the Licensing Committee with the expectation that the committee will thereafter delegate the function onward to the appropriate officer(s). This delegation to the Licensing Committee is reflected in the terms of reference proposed for that Committee at Appendix F.

**RECOMMENDED -**

- (1) that the following committees be established for the 2007 / 2008 municipal year:**

**Overview and Scrutiny Management Committee  
Development Control (North and West) Committee  
Development Control (South and East) Committee  
Development Control (Major Developments and  
General Purposes) Committee  
Public Safety and Protection Committee  
Public Rights of Way and Greens Committee  
Appeals Committee  
Human Resources Committee  
Outside Bodies Committee  
Selection Committee  
Audit Committee  
Joint Health Scrutiny Committee; and**

(N.B. the Licensing Committee and the Standards Committee do not need to be formally re-established as they remain extant.)

- (2) that the terms of reference (and the composition - where appropriate) of the committees as set out in appendix A - L attached to this report be approved for the 2007 / 2008 municipal year.**

## 11. ALLOCATION OF COMMITTEE SEATS AND APPOINTMENT OF MEMBERS TO SERVE ON COMMITTEES.

### Purpose of Report

- 11.1. To review and approve the allocation of seats on committees in accordance with the statutory requirements concerning political balance and to approve the appointment of members (and substitutes) to serve on committees for 2007 / 2008.

### Background

- 11.2. Under Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations, the city council has a duty to review the representation of different political groups at its annual meeting in respect of bodies to which the section applies (for example the section applies to the Council's ordinary committees). The section does not apply to the Standards Committee. Further, it does not apply to the statutory Licensing Committee and so the political balance rules are not applied to it, and its members are appointed directly from the floor of the house. Section 15 of the Act provides that, in performing this duty, the council has a duty to make only such determinations as give effect so far as **reasonably practicable** to the following principles:
- (a) that not all the seats on committees are allocated to the same political group;
  - (b) that the majority of the seats on each committee are allocated to a particular political group if the number of persons belonging to that group are a majority of the authority's membership;
  - (c) subject to (a) and (b), that the number of seats on committees which are allocated to each group bears the same proportion to the total of all the seats on committees of the council as is borne by the number of members of that group to the membership of the authority; and

(d) subject to (a) - (c) above, that the number of seats on each committee which are allocated to each political group bears the same proportion to the number of all the seats on that committee as is borne by the number of members of that group to the membership of the authority.

11.3. The current membership of political groups represented on the city council is set out below and the names of the members of each group are set out in appendix M to this report.

Liberal Democrat	31	members
Labour	25	members
Conservative	13	members

11.4. For the purpose of calculating the entitlement of each political group to seats on committees, it is proposed that the following be included:

Overview and Scrutiny Management Committee  
Development Control (North and West) Committee  
Development Control (South and East) Committee  
Development Control (Major Developments and General Purposes) Committee  
Public Safety and Protection Committee  
Public Rights of Way and Greens Committee  
Selection Committee  
Human Resources Committee  
Audit Committee

11.5. Alternative arrangements for appointments to these committees can be approved provided no member of the council votes against.

11.6. The Appeals Committee is an appeals forum where members need to receive appropriate training before they are able to serve. It is intended that the current practice where the rules on political balance are **not** applied in this instance, continues.

In addition, during 2006/07 the Outside Bodies Committee was comprised of 3 members, one from each of the political groups, and it is proposed to continue this practice. Similarly, the Council was represented by 3 members (one from each political group) on the Joint Health Scrutiny Commission, and again it is proposed to continue this practice. The political balance rules

have therefore **not** been applied to these Committees, nor to the Licensing Committee or the Standards Committee where the political balance rules do not apply.

11.7. Subject to the city council appointing the committees set out in appendices A - L to this report and agreeing the sizes of committees, the total number of seats on committees will be 76.

11.8. The number of council seats held by the three political groups expressed as a percentage of the total membership of the city council (70) is:

Liberal Democrat	31 seats	(% of 70) = 44.28%
Labour	25 seats	(% of 70) = 35.71%
Conservative	13 seats	(% of 70) = 18.57%

11.9. When applied to the total number of committee seats (76) these percentages give the following aggregate entitlement (rounded up / down to the nearest whole seat) for each group:-

Liberal Democrat	44.28% of 76	= 33 seats
Labour	35.71% of 76	= 30 seats
Conservative	18.57% of 76	= 13 seats
	<b>Total</b>	<b>= 76 seats</b>

11.10. When the same percentages are applied to the number of seats / members on each committee (assuming the committees remain the same size as in the last municipal year) they give the following provisional entitlement to seats on each committee, rounded up or down to the nearest whole seat:

	<b>Lib</b>	<b>Lab.</b>	<b>Con.</b>
	<b>Dem.</b>		

### **11 MEMBER COMMITTEES**

Development Control (North)	5	4	2
Development Control (Central)	5	4	2
Development Control (S&E)	5	4	2

## **10 MEMBER COMMITTEE**

Public Safety and Protection	4	4	2
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## **7 MEMBER COMMITTEES**

Overview and Scrutiny Scrutiny Management	3	3	1
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Audit Committee	3	3	1
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Public Rights of Way and Greens	3	3	1
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Selection	3	3	1
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## **5 MEMBER COMMITTEE**

Human Resources	2	2	1
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<b>TOTAL</b>	<b>33</b>	<b>30</b>	<b>13</b>
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≡ 76 seats

- 11.11. These totals reflect as **far as is reasonably practicable** the aggregate entitlement of the political groups to committee seats.
- 11.12. At the meeting the City Council (in accordance with CPR1.2 (iv)) will receive nominations of councillors (and substitutes) to serve on each of the above committees from each of the political groups in accordance with the above allocation of seats.

### **Membership of Licensing Committee, Appeals Committee, Standards Committee and Outside Bodies Committee**

- 11.13. In October 2004 the City Council established a Licensing Committee, comprising of 15 members of the authority, pursuant to Section 6 of the Licensing Act 2003. It is recommended that the Council:

- a) receive notice of any vacancies arising on the Licensing Committee since the last meeting of Council;
- b) confirm that the remaining members should continue to serve on the Licensing Committee and that it continue to comprise of fifteen members (by law the committee must comprise no more that 15 and no less than 10 members);
- c) appoint members to fill any vacancies reported to the meeting.

11.14. The council has established a Standards Committee comprising three members of the authority and four independent members. The independent members were appointed for a term of four years following a statutory procedure including advertisement in the local press. It is recommended that the council:

- a) receive notice of any councillor vacancies arising on the Standards Committee;
- b) confirm that the remaining councillors should continue to serve with the independent members on the Standards committee;
- c) appoint councillors to fill any vacancies arising amongst elected members reported to the meeting

11.15. The Council is also requested to determine the membership of the Appeals Committee.

It is proposed that, as in previous years:

- (a) that membership of the Appeals Committee should comprise any three members of the council subject to them having first received the necessary training and not been involved in the original decision which is subject to appeal; and
- (b) that the current practice whereby the rules on political balance are **not** applied to this committee be continued.

11.16. Similarly, it is proposed that the Council be represented by 3 members (one from each political group) on the Joint Health Scrutiny Committee.

## **Substitutes**

11.17. In accordance with CPR1.2 (iii) and CPR4 in addition to deciding the allocation of seats to political groups, the city council is also required to decide substitute arrangements.

11.18. CPR4.2 provides:

*“For each committee or sub-committee, the full Council will appoint the same number of substitutes in respect of each political group as that group hold ordinary seats on that committee or sub-committee.*

### **RECOMMENDED -**

- (i) to approve the allocation of committee seats as set out above;**
- (ii) to nominate members (and name substitutes) to serve on the committees (in accordance with the agreed political balance) for the 2007 / 2008 municipal year;**
- (iii) to receive notice of any vacancies arising on the Licensing Committee since the last meeting of Council, confirm that the remaining members should continue to serve on the Licensing Committee and that it continue to comprise of fifteen members (by law the committee must comprise no more that 15 and no less than 10 members) and appoint members to fill any vacancies reported to the meeting;**
- (iv) to receive notice of any councillor vacancies arising on the Standards Committee, confirm that the remaining councillors should continue to serve with the independent members on the Standards committee and appoint councillors to fill any vacancies arising amongst elected members reported to the meeting;**

- (v) to agree that all members of council be appointed to serve on an Appeals Committee comprising of any three members of the council subject to them having first received the necessary training and not been involved in the original decision which is subject to appeal;
- (vi) to agree that the Outside Bodies Committee comprise of three members, one from each of the political group, and are therefore not included in the calculations for political balance;
- (vii) to agree that the Council be represented by three members, one from each political group, on any Joint Health Scrutiny Committee, and that any Committee established under these arrangements is therefore not included in the calculations for political balance; and
- (viii) to agree that named members and their substitutes will be provided for the Committees by the Group Whips by 5.00 pm on 22<sup>nd</sup> May 2007 to the Monitoring Officer.

## **12. AMENDMENTS TO THE CONSTITUTION AND THE ADOPTION OF THE SCHEME OF DELEGATION**

### **Purpose of Report**

- 12.1 To recommend amendments to the constitution to bring it up to date with current legislation and council practice and to adopt the council's scheme of delegation for the year 2007/2008.

### **Background**

- 12.2 Due to changes to regulations governing the activities of the council, amendments to Parts 2 and 3 of the constitution are required to keep the constitution up-to-date and as usual the opportunity has been taken to make other amendments. These amendments are attached as Appendix N to this report.

12.3 Under the council's executive arrangements, executive functions are discharged through the leader. Non-executive functions can generally be delegated to committees and officers. It is recommended that the council adopt the same scheme of delegation to committees and officers as applied for the municipal year 2007/2008, subject to the amendments mentioned in paragraph 2 above. The scheme can be found in part 3 of the council's constitution.

### **RECOMMENDED -**

- (i) that the amendments to the constitution detailed in Appendix N to this report be adopted; and**
  
- (ii) that the scheme of delegations to committees and officers adopted for the municipal year 2007/2008 (as amended by recommendation 1 above) be adopted for the current municipal year.**

## **13. DATES OF COUNCIL MEETINGS**

### **Purpose of the Report**

1. To approve dates of City Council meetings for the 2007/08 municipal year.
  
2. The dates proposed for meetings of Full Council in the coming years are
  - Tuesday, 19 June 2007 - 6.00 pm
  - Tuesday, 24 July 2007 - 6.00 pm
  - Tuesday, 11 September 2007 - 6.00 pm
  - Tuesday, 23 October 2007 - 2.00 pm
  - Tuesday, 4 December 2007 - 2.00 pm
  - Tuesday, 15 January 2008 - 2.00 pm
  - Tuesday, 26 February 2008 - 2.00 pm (*Budget*)
  - Tuesday, 25 March 2008 - 2.00 pm
  - Tuesday, 13 May 2008 - 2.00 pm (*Annual Council for 2008/09*)

3. A schedule of dates for individual executive and regulatory bodies for the coming year will be circulated to all members.

**RECOMMENDED - that the dates set out above for the meetings during the remainder of the 2007/08 municipal year be approved.**

#### **14. COMPLIANCE WITH STATUTORY REQUIREMENTS**

As part of the arrangements for the Council's 2006/07 Statement of Internal Control, the meeting is requested to note the following statement from the Monitoring Officer:

*“The Monitoring Officer, through the work of Legal Services, is satisfied and hereby confirms that during the municipal year 2006/07 the actions of the Council, its committees and its officers have been, to his knowledge, lawful and the Council has met its statutory obligations and implemented all relevant new legislation.”*

**RECOMMENDATION - that the above statement be noted.**

#### **LOCAL GOVERNMENT ACCESS TO INFORMATION 1985 BACKGROUND PAPERS**

None

## **OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE**

### **Terms of Reference**

To discharge the scrutiny functions of the Council (as set out in section 21 of the Local Government Act 2000) including but not limited to the following:

1. To direct and manage the overview and scrutiny functions of the Council by:
  - (a) co-ordinating and overseeing an annual planning cycle for the whole scrutiny function in line with the Comprehensive Performance Assessment (CPA) Improvement Plan, Corporate Plan and other major strategic plans.
  - (b) ensuring that scrutiny responds to public priorities, drives up service improvement, provides a focus for policy development and engages the public and partner agencies.
2. To create such structures that the Committee considers necessary to assist with the delivery of overview and scrutiny that may include:
  - (a) scrutiny commissions with responsibility for monitoring progress against priorities for improvement as identified in the Council's Corporate Plan, the CPA Improvement Plan and other major strategic plans
  - (b) a Resources Scrutiny Commission
  - (c) a scrutiny commission that is responsible for local health scrutiny
  - (d) formal, time-limited Select Committees or other bodies, tasked to investigate specific internal and external policy development/service delivery and improvement issues
3. To receive 6 monthly reports from commissions and select committees on progress against work-programmes

4. To receive the final reports of Select Committees and recommend how those reports should be progressed through the decision making system and monitoring arrangements.
5. To work co-operatively with the executive and receive 6 monthly reports from the relevant executive member(s) on key decisions and progress against priorities.
6. To receive and determine all Call-In's under the scrutiny call-in procedure.
7. To monitor the work of and receive annual reports from the Bristol Partnership and the West of England Strategic Partnership and to ensure that similar arrangements are provided within any scrutiny commission structure determined by the Committee, for monitoring and receipt of annual reports from the Children and Young People Partnership and the Crime and Community Safety Partnership.

**REGULATORY COMMITTEES**

**DEVELOPMENT CONTROL COMMITTEES**

**Terms of Reference**

- 1. Development Control (North and West) Committee**
- 2. Development Control (South and East) Committee**
- 3. Development Control (Major Developments and General Purposes) Committee**

To discharge the following functions on behalf of the Full Council:

1. Subject to 2. below, the Development Control (North and West) and (South and East) Committees will deal with the following ;
  - (a) All of those functions listed in column 1 of schedule 1 to appendix 1 which are specified in column 4 thereof
  - (b) All of those functions listed in column 1 of schedule 2 to the appendix as are specified in column 4 thereof but only to such extent as is specified in column 2 of that schedule;and
  - (c) All of those functions referred to in paragraph 2 of appendix 1 insofar as they arise from, relate to or are in any other way reasonably connected to the discharge of the functions included in the committee's terms of reference by virtue of paragraphs (a) and (b)above.
2. The Development Control (Major Developments and General Purposes) Committee will deal with all matters in 1 (a) to (c) above where they relate to major development proposals, plus any other development control matter under 1 (a) to (c) above which is referred to the Committee by the Head of Planning Services.

*NB It is anticipated that the membership of the Development Control (Major Developments and General Purposes) Committee will be made up of members from the Development Control (North and West) and (South and East) Committees.*

(The effect of the terms of reference given above is to include all of the functions specified in the relevant appendix as being the responsibility of the development control committee for the particular area including among other things the determination of applications for planning permission, apart from major development matters and such city-wide planning issues as are identified by the Director of Planning, Transport and Sustainable Development, which will be dealt with by the Development Control (Major Developments and General Purposes Committee)

**REGULATORY COMMITTEES:**

**PUBLIC SAFETY AND PROTECTION COMMITTEE**

**Terms of Reference**

To discharge the following functions on behalf of the full Council:

- (1) All of those **Functions** listed in column 1 of schedule 1 to appendix 1 which are specified in column 4 thereof as being the responsibility of the Public Safety and Protection Committee;
- (2) All of those **Functions** listed in column 1 of Schedule 2 to the appendix as are specified in column 4 thereof as being the responsibility of the Public Safety and Protection Committee but only to such extent as is specified in column 2 of that schedule; and
- (3) All of those **Functions** referred to in paragraph 2 of appendix 1 in so far as they arise from, relate to or are in any other way reasonably connected to the discharge of the **Functions** included in the committee's terms of reference by virtue of paragraphs 1 and 2 above.

(The effect of these terms of reference is to include all of the functions specified in the relevant appendix as being the responsibility of the Public Safety and Protection Committee within its terms of reference. This includes among other things numerous licensing functions such as hackney carriage and private hire licensing, sex shop licensing and street trading, together with other public protection functions such as health and safety regulation, animal welfare and sports safety legislation. For the full detail reference should be made to the appendices referred to).

**REGULATORY COMMITTEES:**

**PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE**

**Terms of Reference**

To discharge the following **Functions** on behalf of the full Council:

1. All of those **Functions** listed in column 1 of schedule 1 to appendix 1 which are specified in column 1 thereof being the responsibility of the Public Rights of Way and Greens Committee;
2. All of those **Functions** listed in column 1 of schedule 2 to appendix 1 as are specified in column 4 thereof as being the responsibility of the Public Rights of Way and Greens Committee but only to such extent as is specified in column 2 of that schedule;
3. All of those **Functions** referred to in paragraph 2 of appendix 1 in so far as they arise from, relate to or are in any other way reasonably connected to the discharge of the **Functions** included in the committee's terms of reference by virtue of paragraphs 1 and 2 above.

(The effect of these terms of reference is to include all of the functions specified in the relevant appendix as being the responsibility of the Public Rights of Way and Greens Committee within its terms of reference. This includes among other things the registration of commons / town and village greens and numerous highways functions including the duty to assert and protect the rights of the public to use the highway).

## APPEALS COMMITTEE

### Terms of reference

1. To discharge on behalf of the full Council, the functions listed in column 1 of schedule 1 to appendix 1 which are specified in column 4 thereof as being the responsibility of the Appeals Committee in relation to employee appeals

#### **Guidance**

This means that the Appeals Committee considers appeals from members of staff where a personnel policy gives them that right.

The following is a summary of the personnel policies that apply :

Disciplinary procedure  
Improving performance procedure  
Sickness/absence policy  
Managing change policy  
Early retirement policy  
Injury allowance scheme

There may also be circumstances where the Head of Paid Service determines that a particular issue should be referred to the Appeals Committee for resolution, pursuant to the general provisions governing delegations to officers and committees at paragraph 3, part 3 of Section C1 of the Constitution - broadly matters of such significance or strategic importance that they should be determined by a committee.

2. To discharge all of those functions listed in column 1 of schedule 2 to appendix 1 which are specified in column 4 thereof as being the responsibility of the Appeals Committee in relation to service complaints and appeals.

**STATUTORY COMMITTEES:**

**LICENSING COMMITTEE**

**Terms of reference:**

1. To exercise all functions conferred upon the Licensing Committee in accordance with the statutory provisions and in particular Section 7 of the Licensing Act 2003.
2. To discharge fee-setting functions that fall to be determined by the Licensing Authority by virtue of regulations made under section 212 of the Gambling Act 2005.

**STATUTORY COMMITTEES:**

**STANDARDS COMMITTEE**

**Terms of reference:**

1. To exercise the functions of a standards committee conferred upon it by or under part III of the Local Government Act 2000 including the following general functions:

- (a) Promoting and maintaining high standards of conduct by the members and co-opted members of Bristol city Council;
- (b) assisting those members and co-opted members to observe the council's code of conduct.

and the following specific functions:

- (c) advising the council on the adoption or revision of its code of conduct;
- (d) Monitoring the operation of the Council's code of conduct;
- (e) Advising, training or arranging to train members and coopted members of the council on matters relating to Bristol's code of conduct.
- (f) Considering and determining any allegations against councillors of the council of misconduct, meaning a breach of the national code of local government conduct or a code of conduct or protocol approved by the council or by the Standards Committee on its behalf, and for this purpose to resolve or recommend to the council any sanctions it sees fit as a consequence of a finding of misconduct.

2. To exercise other functions of the Council as the Council from time to time considers appropriate including:

- (a) Liaison with and the making of representations to any of the following persons or bodies in respect of any matter falling within or ancillary to the Standards committee's terms of reference:

- (i) Government Ministers/departments;
  - (ii) Bodies which represent local authorities or which undertake a co-ordinating role in respect of specific local authority functions, in particular the Local Government Association (LGA) and the local Authorities co-ordinators of regulatory services (LACORS);
  - (iii) The District Auditor;
  - (iv) The Local Government Ombudsman;
  - (v) The Standards Board for England
- (b) making recommendations arising out of the discharge of the committee's functions in respect of the Council's disciplinary or grievance procedures;
- (c) Considering nominations made by the whips for the conferring of the title of "*honorary alderman*" and making recommendations to full council thereon."

**OTHER COMMITTEES:**

**HUMAN RESOURCES COMMITTEE**

**Terms of reference**

1. To discharge on behalf of the full Council, the functions listed in column 1 of schedule 1 to appendix 1 which are specified in column 4 thereof as being the responsibility of the Human Resources Committee, save that the Human Resources Committee does not have any power to consider staff appeals or any other service complaints or appeals (which are the responsibility of the Appeals Committee) nor matters that fall within the remit of the Selection Committee.

## Guidance

- This means that the Human Resources Committee is responsible for the terms and conditions of staff ( including procedures for their dismissal) but does not deal with their selection and appeals, nor does it deal with complaints.
- The Human Resources Committee is responsible for considering matters as defined in such policies as Managing Change Policy, Disputes Policy and Early Retirement Policy (1<sup>st</sup> and 2<sup>nd</sup> tier staff)
- The Head of Paid Service and chief officers shall determine which matters are referred to this Committee pursuant to the general provisions governing delegations to officers and committees at paragraph 3, part 3 of Section C1 of the Constitution - broadly matters of such significance or strategic importance that they should be determined by a committee.
- In addition to the HR Committee there are 2 consultative committees;

Corporate Joint Consultative; and  
Corporate Safety Consultative

which are established to ensure full and engaged communication between Council and the trade unions. These are not formal committees but make recommendations which any formal decision maker should give full and proper consideration to.

**OTHER COMMITTEES:**

**OUTSIDE BODIES COMMITTEE**

**Terms of Reference**

1. To discharge on behalf of the full Council all of those **Functions** listed in column 1 of schedule 2 of appendix 1 as are specified in column 4 thereof as being the responsibility of the Outside Bodies Committee but only to such extent as is specified in column 2 of that Schedule and as is specified in paragraph 2 below.
2. To monitor the work of the bodies to whom appointments are made and to receive reports from persons so nominated to serve on the particular outside body.

**Guidance**

This committee is concerned with a **Local Choice Function**, namely that of appointments of individuals to outside bodies.

**OTHER COMMITTEES:**

**SELECTION COMMITTEE**

**Terms of Reference**

1. To discharge on behalf of the full Council all of those **Functions** listed in column 1 of schedule 1 to appendix 1 which are specified in column 4 thereof as being the responsibility of the Selection Committee but only to such extent and in such circumstances as are specified in paragraph 2 below.
2. The discharge by the committee of the **Non-Executive Functions** referred to in paragraph 1 above is limited to the following activities:
  - interviewing of applicants for chief officer and second tier post;
  - recommendation to the full Council in accordance with the Officer Employment Rules (OER) of the designation of the:
    - Head of Paid service
    - Chief Finance Officer - Section 151 Officer
    - Monitoring Officer
    - returning officer for local government elections;
  - Involvement in all stages of the selection process for the above specified officers.
  - Undertaking any disciplinary action in respect of the Head of Paid service, the Head of Legal services and the Chief Finance Officer in accordance with OER 6.

### OTHER COMMITTEES:

#### AUDIT COMMITTEE

##### Terms of Reference

The purpose of the Audit Committee is to provide independent assurance to the Council in relation to:-

1. The effectiveness of the Council's Risk Management framework and internal control environment including overseeing:
  - Risk Management strategies
  - Anti-Fraud arrangements
  - Whistleblowing strategies
  - Internal and External Audit activity
2. the effectiveness of the Council's financial and non-financial performance to the extent it affects exposure to risk and poor internal control;
3. the annual Statement of Internal Control;
4. the review and approval of the annual statement of accounts, confirming the appropriate accounting policies have been followed, including the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

##### Composition

It is anticipated that the Audit Committee should comprise of seven members, with five backbench members (allocated under the political balance arrangements) together with one Executive Member (**not** the Executive Member with responsibility for Central Support Services) and one independent member external to the Council.

### **OTHER COMMITTEES: JOINT HEALTH SCRUTINY COMMITTEE**

#### **TERMS OF REFERENCE**

1. Where more than one local authority is consulted by a local NHS body in respect of any proposal which it has under consideration for the substantial development of the health service or the substantial variation of such service, to review and scrutinise such proposal jointly with any other local authority so consulted.
2. Where more than one local authority has an interest in the planning, provision and operation of health services which cross geographical boundaries, to review and scrutinise any such matters jointly with any such other local authority.
3. To require the local NHS body to provide information about the proposal under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions as appear to it to be necessary for the discharge of its function in connection with the consultation.
4. To prepare a report to the health body and the participating local authorities, setting out any comments and recommendations on any matter reviewed or scrutinised.
5. To report to the Secretary of State in writing where it is not satisfied that consultation on any proposal referred to in paragraph (1) has been adequate in relation to the content or time allowed.
6. To report to the Secretary of State in writing in any case where it considers that the proposal would not be in the interests of the health service in the area of the joint committees participating local authorities.

MEMBERSHIP OF POLITICAL GROUPS - 2007 / 2008

***Conservative Group (13)***

***Councillor P J Abraham  
Councillor L A Alexander  
Councillor R S Eddy  
Councillor A P Fox  
Councillor G R Gollop  
Councillor J Goulandris  
Councillor J Jethwa  
Councillor M Kerry  
Councillor B M Lewis  
Councillor D H R Morris  
Councillor A E Murphy  
Councillor K M Quartley  
Councillor M D R Weston***

***Labour Group (25)***

***Councillor J Bees  
Councillor S D Beynon  
Councillor M Bradshaw  
Councillor M R Brain  
Councillor F Breckels  
Councillor F Choudhury  
Councillor T R Cook  
Councillor S M G Crew  
Councillor N P Daniels  
Councillor J E Deasy  
Councillor M J Golding  
Councillor R A Griffey  
Councillor P Hammond  
Councillor H Holland  
Councillor B P Hugill  
Councillor C D Jackson  
Councillor J Lovell  
Councillor W C Payne  
Councillor D S Pickup  
Councillor C Price  
Councillor J M Price  
Councillor C J Smith  
Jenny Smith  
Councillor R Stone  
Councillor R Walker***

***Liberal Democrats Group (31)***

***Councillor E J Bagley***  
***Councillor M Bailey***  
***Councillor D H Brown***  
***Councillor C Champion-Smith***  
***Councillor J M Clark***  
***Councillor M Cole***  
***Councillor S R Comer***  
***Councillor S T Cook***  
***Councillor C Davies***  
***Councillor S Emmett***  
***Councillor N R Harrison***  
***Councillor A H Havvock***  
***Councillor G M Hopkins***  
***Councillor B Janke***  
***Councillor T R Kent***  
***Councillor D Kitson***  
***Councillor B A Knott***  
***Councillor R McDermott***  
***Councillor P Main***  
***Councillor A R Malik***  
***Councillor S Marshall***  
***Councillor J E Norman***  
***Councillor S R O'Donnell***  
***Councillor M H Popham***  
***Councillor B Price***  
***Councillor J C Rogers***  
***Councillor M Sykes***  
***Councillor S J Townsend***  
***Councillor J C White***  
***Councillor A Woodman***  
***Councillor M M Wright***

***NB Councillor Bolton is classified as an independent member as two members are required to establish a political group.***

## **AMENDMENTS TO THE CONSTITUTION**

### **A. Amendments to Part 2 of the Constitution**

In Article 4.01 (Policy Framework) the following shall be omitted:-

Adult Learning Plan  
Cultural Development Plan  
Plan and Strategy which together comprise the Housing  
Investment Strategy  
Local Agenda 21 Strategy  
Quality Protects Management Action Plan

and the following shall be added:-

Cultural Strategy  
Housing Strategy  
Community Cohesion Strategy  
Local Area Agreement  
Gender Equality Scheme

**Reason for Change:-** to update the list of current plans and strategies that have been adopted by full council.

### **B. Amendments to Part 3 of the Constitution**

1. In paragraph B (licensing and registration functions) of schedule 1 to appendix 1:
  - (a) after item 14B, in column (1) insert “14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises”; in column (2) insert “Section 304 of the 2005 Act”; in column (3) insert “Director of DPT&SD”; and in column 4 insert “Licensing Committee”; and

- (b) after item 14C, in column (1) insert “14D. Power to institute criminal proceedings for offences under section 342 of the 2005 Act”; in column (2) insert “Section 346 of the 2005 Act”; in column (3) insert “Head of Legal Services”; and
- (c) after item 14D, in column (1) insert “14E. Power to exchange information”; in column (2) insert “Section 350 of the 2005 Act”; in column (3) insert “DPT&SD”; and in column (4) insert “Licensing Committee”; and
- (d) after item 14E, in column (1) insert “14F. Functions relation to the determination of fees for premises licences”; and in column (2) insert “The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)”; in column (3) insert “DPT&SD”; and in column (4) insert “Licensing Committee”.

**Reason for change:** - to reflect changes to legislation.

- 2. In paragraph B (licensing and registration functions) of schedule 1 to appendix 1:-
  - (a) in item 37 column (2) – add “On April 2007 these provisions were appealed and replaced by s.15 Commons Act 2006”.

**Reason for change:-** to reflect a change in legislation.

- 3. In paragraph B (licensing and registration functions) of schedule 1 to appendix 1:-
  - (a) in item 46A in column (4) – substitute “Licensing Committee”.

**Reason for change:-** this function is to be the responsibility of Licensing Committee.

4. In paragraph I (miscellaneous functions) of schedule 1 to appendix I:-
- (a) in column (1) for items 1, 19, 20 and 31, for “or bridleway”, in each place where it occurs, substitute “, bridleway or restricted bridleway”, and
  - (b) in column (1) for items 2, 4, and 8, for “and bridleways”, in each place where it occurs, substitute “, bridleways and restricted byways”, and
  - (c) delete item 27.

**Reason for change:-** to reflect changes to legislation.

5. In paragraph I (other miscellaneous functions) of schedule 1 to appendix 1:-
- (a) in item 37 column (3) substitute “Head of Paid Service and where appropriate service departments”; and in column (4) – substitute “\*Human Resources Committee/Selection Committee/Appeals Committee”.

**Reason for change:-** to reflect current arrangements.

6. In paragraph I (other miscellaneous functions) of schedule 1 to appendix:
- (a) in item 49, in column (4) substitute “Licensing Committee”.

**Reason for change:** - this function is to be the responsibility of the Licensing Committee.

7. Delete Part 3 appendix 2 (Corporate personnel function).

**Reason for Change:-** to reflect current arrangements (see amendment 4 above).