

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO PLANNING COMMITTEE**

05 November 2019

Report Title: Review and Update of Responsibilities of the Council, its Committees and sub Committees

Submitted by: Interim Head of Legal & Monitoring Officer

Portfolios: Leader of the Council – Corporate and Service Improvement, People and Partnerships

Ward(s) affected: All

Purpose of the Report

To advise members of the Planning Committee of proposed changes to the terms of reference for the Committee, Conservation Advisory Working Party and full Council.

Recommendation

To note the proposed changes to the current Terms of Reference as set out at paragraph 3.1 of this report.

Reasons

The proposed changes to the Terms of Reference are part of a comprehensive review of the Terms of Reference all committees and sub committees and form part of the review of the Council's Constitution. Any changes will require full Council approval.

1. **Background**

1.1 The responsibilities of the Council, its Committees and sub Committees are currently set out at Appendix 1 of the Constitution. The document was last updated in September 2016 and so requires reviewing to reflect the Council's current committee structure and generally. There are a number of relatively minor changes which affect the Planning Committee.

2. **Issues**

2.1 The Council should regularly review its Constitution and update the provisions.

2.2 Appendix 1 is currently divided into three main sections:

- Appendix 1 sets out the responsibilities of Full Council
- Annex 1 to Appendix 1 sets out Non executive Statutory Functions
- Annex 2 to Appendix 1 sets out the Terms of Reference for Committees, Sub Committees and Working Parties of full Council

2.3 The opportunity has been taken to move all the Terms of Reference for Council and all Committees and sub Committees and Working Parties into one Appendix and just keep Annex 1. Annex 1 has not been reviewed but was only updated in September 2018.

3. **Proposal**

3.1 A summary of the changes proposed includes:

APPENDIX 1	CONTENT	COMMENT
Council	Updates the Terms of reference for Full Council	<p>Updates and adds to the following sections:</p> <p>Constitutional</p> <p>Updates the list of Policy Framework Documents to include:</p> <ul style="list-style-type: none"> • Development Plan documents (including the Local Plan and Interim Documents) <p>Service Provision</p> <p>Adds:</p> <ul style="list-style-type: none"> • To approve the designation of Conservation Areas, Character Area Appraisals, Management Plans and Article 4 Directions •
Planning Committee	Updates the Terms of Reference	<p>Adds:</p> <ul style="list-style-type: none"> • Determining prior approvals
Conservation Advisory Working Party	Updates the Terms of Reference	<p>Deletes:</p> <ul style="list-style-type: none"> • Conservation Area Consent • Planning Policy Statement 5

4. **Reasons for Proposed Solution**

To update the Terms of Reference to reflect the latest legislative requirements, best practice and changes in the Councils Governance arrangements.

5. **Options Considered**

There is an option to do nothing but this would mean continuing to work with Terms of Reference which are out dated which is not good practice and unhelpful to both officers and elected members.

6. **Legal and Statutory Implications**

All local authorities are required to have a written Constitution which must be kept under regular review and publicised. Any amendments to the Constitution require the approval of full Council.

7. **Equality Impact Assessment**

Where any equality impact has been identified it has been addressed.

8. **Financial and Resource Implications**

No significant additional resources will be required in relation to the recommendations

9. **Major Risks**

That the Terms of Reference do not reflect up to date legal requirements and /or best practice resulting in challenge to Council decisions and/or reputational damage.

10. **Sustainability and Climate Change Implications**

There are no direct implications

11. **Key Decision Information**

N/A

12. **Earlier Cabinet/Committee Resolutions**

N/A

13. **List of Appendices**

None.

14. **Background Papers**

None.