

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

FULL COUNCIL

20 November 2019

1. **Report Title** **Review and Update of Responsibilities of the Council, its Committees and Sub Committees**
- Submitted by:** **Interim Head of Legal & Monitoring Officer**
- Portfolio:** **Corporate and Service Improvement, People and Partnerships**
- Ward(s) affected:** **All**

Purpose of the Report

The report summarises proposed changes to Appendix 1 to the Constitution which sets out the Responsibilities of the Council, its Committees and Sub Committees.

Recommendations

That Council approves the proposed amendments to the Responsibilities and Terms of Reference of the Council, its Committees and Sub Committees at Appendix A to the report

Reasons

Appendix 1 forms part of the Council's Constitution and deal with Terms of Reference for full Council and all Committees and Sub - committees. The review updates the Terms of Reference to reflect the current governance arrangements.

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 updating generally.

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 Annex1. 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 & adds to the following sections:</p> <p>Elections</p> <ul style="list-style-type: none"> • Location of Polling Places <p>Constitution</p> <ul style="list-style-type: none"> • Leaders Scheme of Delegation for executive functions • Scheme of Delegation to Officers • Schedule of meetings of Council • Appointment of Independent Persons under the Localism Act 2011 • Updates the list of Policy Framework Documents <p>Service Provision</p> <ul style="list-style-type: none"> • Casino Premises Licence • Adoption of Conservation Areas, Character Area Appraisals & Management Plans & Article 4 Directions <p>HR</p> <ul style="list-style-type: none"> • Clarifies process for before dismissal of any statutory officer by Council • Annual Pay Statement
Audit & Standards Committee	<p>Changes the name from Audit & Risk Committee</p> <p>Updates the Audit Committees Terms of Reference based on CIPFA guidance</p> <p>Adds the Terms of Reference from the former Standards Committee</p>	<p>Adds the Terms of Reference from Standards Committee and deletes that Committee</p> <p>Re – writes all the Terms of Reference for the Audit Committee and replaces with the suggested Terms of Reference from CIPFA for Audit Committees and includes additional items which NULBC gives the Committee responsibility to deal with</p> <p>Incorporates all the Terms of Reference from the former Standards Committee and establishes a</p>

		<p>new Sub Committee of 3 members (politically balanced) to sit as a Hearings Panel to determine complaints under the Code of Conduct. This is to avoid the full Committee sitting to hear complaints.</p> <p>NB: These were approved by the Audit and Standards Committee on 11 November 2019</p>
Planning Committee	<p>Updates the Terms of Reference</p> <p>Separate report to Planning Committee recommends revision to the scheme of delegation to officers to allow determination of HS2 applications –see Appendix B</p>	<p>Updates Planning Terms of Reference</p> <p>Adds</p> <ul style="list-style-type: none"> • Determining prior approvals <p>NB: These were approved by the Planning Committee on 5 November 2019</p>
Licensing & Public Protection Committee	<p>Updates the Terms of Reference</p> <p>Separate report to Licensing & Public Protection Committee recommends revision to the scheme of delegation to officers to allow officer delegations for suspension, refusal & revocation of Hackney Carriage & Private Hire Vehicle Licences –see Appendix C</p>	<p>Updates Terms of Reference</p> <ul style="list-style-type: none"> • Adds full Terms of Reference for the Licensing sub Committee dealing with Licensing Act 2003 and Gambling act 2005 applications <p>NB: These were approved by Licensing & Public Protection Committee on 22 October</p>
Conservation and Advisory Working Party	<p>Updates the Terms of Reference</p>	<p>Updates the Terms of Reference</p> <p>Deletes</p> <ul style="list-style-type: none"> • Conservation Area Consent • Planning Policy Statement 5
Employment Committee	<p>Unchanged</p>	

Constitution & Member Support Working Group	Unchanged	
Joint Negotiating and Consultation Group (Member/Officer Working Group)	Updated to reflect the terms of the Trade Union Recognition Agreement	Adds new Terms of Reference to reflect the agreed position in the Trade Union Recognition Agreement which explains the role of the JNCC and expands the list of issues the JNCC will consider

A copy of the updated Terms of Reference with tracked changes is appended to this report at Appendix A.

4. **Reasons for Proposed Solution**

- 4.1 To update the Terms of Reference to reflect the latest legislative requirements, best practice and changes in the Councils Governance arrangements.
- 4.2 CIPFA has recently updated its practical guidance on the function and operation of Audit Committees in Local Authorities. This represents best practice for Audit Committees in Local Authorities throughout the UK. Appendix B of the Guidance sets out suggested Terms of Reference for Local Authorities and it is recommended that this replaces the current Terms of Reference for the former Audit and Risk Committee. The Terms of Reference are very comprehensive and so lengthy in comparison to the original wording but as they are considered to be best practice it seems sensible to recommend their adoption. The Standards Committee Terms of Reference have been added and a separate Hearings Panel established to look a complaints under the Code of Conduct.
- 4.3 The terms of reference for the Licensing and Public Protection Committee have been amended to specify the detailed matters which are delegated to the Licensing Sub Committee.
- 4.4 The JNCC Terms of Reference have been amended to reflect the terms of the recently negotiated Trade Union Recognition Agreement which was entered into in March 2019.

5. **Options Considered**

- 5.1 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**

- 6.1 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**

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

8. **Financial and Resource Implications**

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

9. **Major Risks**

9.1 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**

10.1 There are no direct implications.

11. **Key Decision Information**

11.1 This is not a key decision which requires inclusion on the Cabinet Notice of Decisions/ Forward Plan.

12. **Earlier Cabinet/Committee Resolutions**

The previous meeting of the Working Group requested a review of Appendix 1 of the Constitution.

13. **List of Appendices**

13.1 Appendix A - draft Terms of Reference for Council, Committees, sub Committees & Working Parties of the Council with tracked changes

14. **Background Papers**

CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition