



## AGENDA ITEM NO 8

### ASHLEY, EASTON & LAWRENCE HILL NEIGHBOURHOOD PARTNERSHIP Tuesday 25<sup>th</sup> September

**Report of:** Penny Germon, Area Coordinator, Neighbourhoods & Communities, Neighbourhoods Directorate.

**Title:** Legal Advice concerning Neighbourhood Partnership and Neighbourhood Committee

**Contact Telephone Number:** 9039879 (or for internal EXTN 39879)

#### RECOMMENDATIONS

1. To note the legal advice and consider.

In response to the questions raised at the last meeting the following legal advice has been given:

‘Regarding the query as to whether items requiring a Council decision must be taken by a Councillor, I can confirm that the Leaders delegations require items relating to Council business to be passed to the Councillor chairing the Neighbourhood Committee. This includes both the vote and the discussion of the item as agreed by the Leader when making these delegations.

The advice to Area Coordinators and \*DSOs is therefore to ensure that all Council business is conducted by Councillors (who of course may take on board the views of the NP) so that when any item of Council business is reached on an agenda, the Councillor Chair of the Neighbourhood Committee must take that part of the meeting.’

Shahzia Daya

*(\*DSO is Democratic Services Officer)*

There is no legal requirement to divide the NP agenda into ‘Neighbourhood

Please turn over

Partnership' and 'Neighbourhood Committee' items. This separation has therefore been removed from the agenda given the expressed wish at the last meeting to remove this separation.

The Terms of Reference referred to is attached in appendix 1

## NEIGHBOURHOOD COMMITTEES TERMS OF REFERENCE

### 1. Overview

1.1 There is a Neighbourhood Partnership (NP) for each of the following 14 areas (each to be known as a “Neighbourhood”):

- Avonmouth and Kingsweston wards
- Henbury and Southmead wards
- Henleaze, Westbury-on-Trym and Stoke Bishop wards
- Horfield and Lockleaze wards
- Redland, Cotham and Bishopston wards
- Frome Vale, Hillfields and Eastville wards
- Cabot, Clifton and Clifton East wards
- Ashley, Easton and Lawrence Hill wards
- St George East and St George West wards
- Brislington East and Brislington West wards
- Bedminster and Southville wards
- Knowle, Filwood and Windmill Hill wards
- Hengrove and Stockwood wards
- Hartcliffe, Bishopsworth and Whitchurch Park wards

1.2 The councillors elected to serve the wards in a Neighbourhood are members of the corresponding NP, along with other individuals who live and work in the Neighbourhood. For the purposes of the council constitution, all of the councillors on a NP comprise a council committee known as a “Neighbourhood Committee” and have delegated power to take certain local decisions on behalf of the council.

1.3 The Neighbourhood Committee sits within the Neighbourhood Partnership and is expected to take its decisions as part of a public meeting. When taking decisions, the Neighbourhood Committee should take into account any relevant views expressed by other members of the Neighbourhood Partnership.

1.4 Non-councillor members of NPs do not have delegated authority to make decisions on behalf of the council. Council decisions include decisions to spend council monies, award a grant or contract on behalf of the council, or determine the materials or methods to be used by the council or its contractors in carrying out works (this is not an exhaustive list). Non-councillor members of an NP may consider such matters and express a view to its councillors, the Cabinet or council officers in relation to decisions that are relevant to their Neighbourhood. For example, they may identify priorities for service delivery in their area, or agree how to respond to a consultation.

### 2. Functions delegated to Neighbourhood Committees

#### 2.1 Executive functions

The Leader of the Council shall determine from time to time the executive functions that may be exercised by Neighbourhood Committees and will set out these

functions in the Leader's Scheme of Delegation .

## 2.3 Non-executive functions

Full council has not yet delegated any non-executive functions to Neighbourhood Committees. (Non-executive functions include regulatory functions such as planning decisions and licensing as well as nominations to outside bodies.)

## 3. **Membership**

- 3.1 The membership of each Neighbourhood Partnership will include all councillors who have been elected for wards in the Neighbourhood and no other councillors. All NP councillors for a Neighbourhood will constitute the Neighbourhood Committee for that Neighbourhood. It is expected that all NP councillors will attend each meeting of their respective Neighbourhood Partnership.

## 4. **Procedure rules**

### Meeting arrangements

- 4.1 Neighbourhood Partnership meetings will normally be held quarterly. The expectation is that Neighbourhood Committees will make their decisions within Neighbourhood Partnership meetings. Agenda items which require a decision by the Neighbourhood Committee will be chaired by the Neighbourhood Committee Chair, all other agenda items will be chaired by the Neighbourhood Partnership chair.

### Election of Neighbourhood Committee Chair

- 4.2 A Neighbourhood Committee Chair will be elected by the Neighbourhood Committee at the first NP meeting of the Municipal Year.
- 4.3 The Neighbourhood Committee Chair will be elected by overall majority. Where there is no overall majority of votes, the Neighbourhood Committee Chair shall be either: a member of the political group with the most councillors on the Neighbourhood Committee; or where there is no such largest group, a member of whichever political group represented on the Neighbourhood Committee, is the largest group on the council.

### Quorum

- 4.4 The quorum for the Neighbourhood Committee to take a delegated council decision is 50% of councillors in the Neighbourhood Committee.

### Voting

- 4.5 Only elected councillors are entitled to vote on delegated council decisions taken by Neighbourhood Committees.
- 4.6 In the event of an equality of votes the Neighbourhood Committee Chair will have a second, or casting vote.

## Substitute arrangements

- 4.7 Neighbourhood Committee councillors cannot be substituted.

### Agenda

- 4.8 A model agenda is set out in the notes to this document. Each agenda must include Declarations of Interests of councillor members.

### Minutes of meetings

- 4.9 The meeting of Neighbourhood Partnerships shall be minuted and such minutes will be made available to the public in accordance with the Access to Information Procedure Rules (in part 4 of the council's constitution).

### Right to submit statements

- 4.10 Members of the public may submit statements that relate to issues that are on the agenda for the meeting or any other issues, provided sufficient advance notice is given.

Statements may be submitted by e-mail to: [democratic.sevices@bristol.gov.uk](mailto:democratic.sevices@bristol.gov.uk)  
or:

Post to: Bristol City Council, Democratic Services Section, Room 220, Council House, College Green, Bristol, BS1 5TR; or Fax: 0117 9222146

## **5. Access to Information Rules**

Neighbourhood Committees will comply with the Access to Information Rules contained in part 4 of the council's constitution, which means, among other things, that:

- Meetings must be held in public
- 5 days notice of meetings must be given
- Agendas and reports must be published 5 days in advance of meetings
- Minutes and records of decisions with reasons must be published.

## **6. Code of Conduct**

- 6.1 Neighbourhood Committee councillors shall comply with the Members' Code of Conduct and any other code of conduct or protocol relating to the conduct of councillors which may be adopted by the council (eg. officer member protocol).

## **7. Reports to full Council**

- 7.1 The Neighbourhood Committee Chair, on behalf of the Neighbourhood Partnership, may bring a report to full Council on the work of their Neighbourhood Partnership. Full Council will normally only receive one such report at each of its meetings (unless otherwise agreed by the Lord Mayor).

## **8. Decision making**

### **8.1 Neighbourhood Committees must make decisions:**

- in accordance with the council's budget and policy framework;
- in accordance with the approved budget for its area for the relevant function;
- in accordance with all relevant procedure rules within the constitution including -
  - financial regulations
  - contract procedure regulations
  - procurement regulations;
- in accordance with any other council policy, plan or criteria approved by cabinet and with any relevant contractual arrangements; and
- in a meeting following consideration of a report from a strategic director or his/her nominee.

8.2 A Neighbourhood Committee may only exercise a function in so far as the function impacts on its own area.

8.3 Neighbourhood Committees may not make a decision which impacts in a significant way on another Neighbourhood without first consulting with the committee for that area. If they cannot secure the agreement of that neighbouring committee, then the matter should be referred to either the relevant strategic director or cabinet for decision.

8.4 A Neighbourhood Committee, or two or more Neighbourhood Committees jointly, may refer a matter to either the relevant strategic director or cabinet for a decision.

8.5 The Leader may require a matter in relation to an executive function due to be considered by a Neighbourhood Committee to be determined by herself, cabinet or the relevant strategic director.

8.6 Where the Monitoring Officer or Chief Finance Officer is of the opinion that a proposal, decision, or omission of a Neighbourhood Committee is or if made would be:

- (a) outside its terms of reference; or
- (b) outside its approved budget; or
- (c) outside any relevant policy, plan or criteria approved by cabinet or with any relevant contractual arrangements; or
- (d) outside the budget and policy framework; or
- (e) not in accordance with any relevant procedure rules,

the Monitoring Officer or Chief Finance Officer shall refer the matter to cabinet or full Council as appropriate for consideration at the next available meeting.

8.7 Where a matter has been referred to cabinet or full Council under section 8.6, the implementation of the proposal or decision shall be suspended until the matter is considered by cabinet and/or full Council.

Where a matter has been referred to cabinet under 8.6 (a) (b) or (c) cabinet may:

- decide the matter itself; or
- endorse any decision already made; or
- refer the matter back to the Neighbourhood Committee for determination; and/or
- make any other decision it considers appropriate.

8.8 Where a matter has been referred to cabinet under 8.6 (d) or (e), then Cabinet may:

- (a) refer the matter to full Council for consideration; or
- (b) decide the matter within the budget and policy framework or in accordance with the procedure rules; or
- (c) refer the matter back to the Neighbourhood Committee for determination within the budget and policy framework, or in accordance with the procedure rules.

8.9 Before deciding any matter in accordance with section 8.6 to 8.8, cabinet will consider a report from a statutory officer or strategic director.

### **Guidance notes**

- i. The Neighbourhood Committees are established pursuant to regulation 6 of the The Local Authorities (Arrangements for the Discharge of Functions (England) Regulations and are “area committees” as defined by s.18 Local Government Act 2000.
- ii. Councillors will be expected to work closely together with other members of their Neighbourhood Partnership to promote their area and help in the improvement of services in the area. Non-councillor NP members will have the opportunity to put their comments/recommendations/views in relation to decisions to be made to the Councillors. Whilst Councillors will be expected to take into account these, this should not compromise their independence as Councillors and not constrain them from making decisions that they deem to be in the interests of the wider community.
- iii. The Neighbourhood Committee may decide to appoint Neighbourhood Committee Chairs on a rotating, or other temporary basis, in which case the Neighbourhood Committee Chair appointed at one meeting holds office until another Neighbourhood Committee Chair assumes the role at a subsequent meeting.
- iv. Agendas of meetings will normally include the following items:
  - a) Apologies for absence
  - b) Approval of minutes from previous meeting.
  - c) Declarations of Interest (of councillors)
  - d) Chair’s announcements
  - e) Public Forum statements (maximum time of 30 minutes)
  - f) Reports on proposed decisions for councillors and on other matters to be considered by the Neighbourhood Partnership (to include a report from the Area

Coordinator)

- g) Consider matters that the Chair of the Neighbourhood Partnership has agreed are urgent

Sometime prior to the public meeting the NP Chair, Neighbourhood Committee Chair and other interested parties as appropriate, may meet with relevant officers in private to plan and agree what business is to be transacted during the coming and future meetings.

- (v) The statements should normally be no longer than one side of A4 paper. Members of the public may then address the meeting (the chair may wish to set a time limit, eg. a maximum of three minutes). Anyone wishing to submit a statement is expected to contact the Democratic Services Officer named on the agenda and submit their statement by no later than 12.00 noon the working day before the meeting. The Chair has the discretion to allow any member of the public, whether or not they have submitted a written statement, to speak during the meeting.