

# Full Council

23 May 2017



**Report of:** Shahzia Daya, Service Director – Legal and Democratic Services

**Title:** Establishment of committees and terms of reference

**Ward:** Citywide

**Officer Presenting Report:** Not applicable

**Contact Telephone Number:** 0117 92 22413

## Recommendation

To approve the composition and terms of reference of committees (full recommendations set out in the body of the report).

## Summary

As per above recommendation.

## The significant issues in the report are:

As set out in the main report.

Note: the Overview and Scrutiny Management Board is currently undertaking a review of the Council's scrutiny arrangements. The recommendations from that review, including recommendations on a future scrutiny structure, will be reported to a future Full Council meeting. In the interim, the proposal in this report is that the current scrutiny structure is retained, pending the outcome of the scrutiny review.

In appointing committees, Full Council is asked to note that the arrangements are subject to changes that may arise from the current constitutional review.



## Policy

1. The Full 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.

## Consultation

2. **Internal**  
Party group whips
3. **External**  
Not applicable

## Context

4. See 1. above.

## Proposal: Establishment of committees

### a. Arrangements for Overview and Scrutiny:

5. The Overview and Scrutiny Management Board is currently undertaking a review of the Council's scrutiny arrangements. The recommendations from that review, including recommendations on a future scrutiny structure, will be reported to a future Full Council meeting. In the interim, the proposal in this report is that the current scrutiny structure is retained, pending the outcome of the scrutiny review.

In the interim, the following overview and scrutiny bodies are proposed:

- Overview and Scrutiny Management Board
- Resources Scrutiny Commission
- Neighbourhoods Scrutiny Commission
- People Scrutiny Commission
- Place Scrutiny Commission

As the Overview and Scrutiny Management Board (the Board) will co-ordinate and oversee the work of the scrutiny commissions, its membership needs to include the chairs of the commissions. This report therefore requests Full Council to appoint members to the Board, and, in so doing, to also appoint the Chair of the Board and the chairs of the individual scrutiny commissions.

6. Joint scrutiny: In addition to the scrutiny bodies described above, the Full Council is asked to note that the following joint scrutiny bodies (meetings of which also involve representatives of other relevant authorities) will be continuing/being established:

- Joint Health Scrutiny Committee (interim continuing committee).
- Joint Health Overview and Scrutiny Committee for the purpose of jointly scrutinising the Bristol, North Somerset and South Gloucestershire Sustainability and Transformation Plans – new body established jointly with North Somerset and South Gloucestershire (new committee – see Appendix B for full details)
- West of England Joint Scrutiny Committee (interim continuing committee).
- West of England Combined Authority Overview and Scrutiny Committee and Audit Committee (as per the arrangements agreed at the Full Council meeting held on 14 March 2017).

**b. Regulatory committees:**

7. The Full Council is recommended to establish 4 regulatory committees as follows:
- Development Control Committee A
  - Development Control Committee B
  - Public Safety and Protection Committee
  - Public Rights of Way and Greens Committee

**c. Appeals committee**

8. The Full Council is asked to establish an Appeals Committee.

**d. Other non-executive committees:**

9. The Full Council is asked to consider the appointment of other non-executive committees.
10. It is proposed that the Full Council should approve the establishment of the following committees:
- Audit Committee
  - Human Resources Committee
  - Selection Committee

**e. Performance Management Panel**

11. On 14 March 2017, the Full Council approved the establishment of a Performance Management Panel, to appraise the performance of the Chief Executive and to determine, what, if any level of performance related pay should be awarded to the post holder. The Full Council is therefore asked to establish the panel as per the 14 March decision.

## **f. Statutory committees**

- 12.** The **Licensing Committee** is established as a standing committee and does not have to be re-appointed. Any vacancies must be filled by the Full Council – this task is non-delegable, i.e. only Full Council can decide who will serve on the committee. Members continue to serve on the committee until they either resign or are removed by the Full Council. The appointment of members is a licensing function and as such equalities law applies to it, and the Full Council should fill vacancies having due regard to equalities tests. At agenda item 9, the Full Council will be asked to fill any current vacancies on the Licensing Committee.
- 13.** The **Health and Wellbeing Board** is a statutory function under Section 194 of the Health and Social Care Act 2012. This committee is continuing and therefore the annual re-establishment is not required.

### **Other Options Considered**

Not applicable.

### **Risk Assessment**

Not applicable.

### **Public Sector Equality Duties**

Not applicable.

### **Legal and Resource Implications**

#### **Legal**

As per paragraph 1. above, the Full 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.

(Legal advice provided by Shahzia Daya, Service Director – Legal and Democratic Services)

#### **Financial**

##### **(a) Revenue**

Not applicable

##### **(b) Capital**

Not applicable

#### **Land**

Not applicable

**Personnel**

Not applicable

**RECOMMENDATIONS:**

**1. That the following committees be established, noting that the arrangements are subject to changes that may arise from the current constitutional review and any recommendations from the current review of scrutiny arrangements, which will be reported to a future Full Council meeting:**

**a. Overview and Scrutiny bodies:**

- **Overview and Scrutiny Management Board**
- **Resources Scrutiny Commission**
- **Neighbourhoods Scrutiny Commission**
- **People Scrutiny Commission**
- **Place Scrutiny Commission**

**Joint scrutiny bodies:**

- **Joint Health Scrutiny Committee**
- **Joint Health Overview and Scrutiny Committee for the purpose of jointly scrutinising the Bristol, North Somerset and South Gloucestershire Sustainability and Transformation Plans**
- **West of England Joint Scrutiny Committee**
- **West of England Combined Authority Overview and Scrutiny Committee and Audit Committee**

**b. Regulatory committees:**

- **Development Control Committee A**
- **Development Control Committee B**
- **Public Safety and Protection Committee**
- **Public Rights of Way and Greens Committee**

**c. Appeals Committee**

**d. Other (non-executive) committees:**

- **Audit Committee**
- **Human Resources Committee**
- **Selection Committee**

**e. Performance Management Panel**

**f. Statutory committees:**

- **To note the position in relation to the Licensing Committee (at agenda item 9, the Full Council will be asked to fill the current vacancies on the committee).**
- **To note that the Health and Wellbeing Board does not need to be formally re-**

**established as it remains extant.**

- 2. That the terms of reference of committees as set out in the appendices be approved.**
- 3. That the Chairs of the Overview and Scrutiny commissions be appointed, i.e. the chairs of the:**
  - **Overview and Scrutiny Management Board**
  - **Resources Scrutiny Commission**
  - **Neighbourhoods Scrutiny Commission**
  - **People Scrutiny Commission**
  - **Place Scrutiny Commission**
- 4. That the members of the Overview and Scrutiny Management Board be appointed, to include the chairs of the scrutiny commissions referred to in 3. above.**

**Appendices:**

Appendix A – Terms of reference of committees

Appendix B – Details / terms of reference re: Joint Health Overview and Scrutiny Committee for the purpose of jointly scrutinising the Bristol, North Somerset and South Gloucestershire Sustainability and Transformation Plans

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:** None