

DRAFT AREA CIL/s.106 COMMITTEES TERMS OF REFERENCE

1. Overview

1.1 There is an Area CIL/s.106 Committee for each of the following 6 Areas (each to be known as an “Area Committee”):

- Avonmouth and Lawrence Weston, Westbury-on-Trym and Henleaze, Stoke Bishop, Clifton, Clifton Down, Hotwells and Harbourside (Area 1);
- Henbury and Brentry, Southmead, Horfield, Bishopston and Ashley Down, Redland and Cotham (Area 2);
- Lockleaze, Eastville, Frome Vale and Hillfields (Area 3);
- Ashley, Central, Lawrence Hill, Easton, St George West, St George Central and St George Troopers Hill (Area 4);
- Bedminster, Southville, Windmill Hill, Knowle, Brislington East and Brislington West (Area 5);
- Bishopsworth, Hartcliffe and Worthywood, Filwood, Hengrove and Whitchurch Park and Stockwood (Area 6).

1.2 Area Committees will make decisions about the local element of CIL monies raised within the Area and devolved s.106 monies.

1.3 The councillors elected to serve the wards in a neighbourhood are members of the corresponding Area Committee. For the purposes of the Council constitution, all of the councillors on an Area Committee comprise a Council committee with delegated power to take certain local decisions on behalf of the council.

1.4 The Area Committee is expected to take its decisions as part of a public meeting, following consultation with the community and networks within the community to agree local Community Infrastructure Levy (CIL) priorities.

1.5 As a committee of council, Area Committees will be governed by the [Committee Procedure Rules](#), subject to any amendments within these Terms of Reference.

2. Functions delegated to Area Committees

2.1 Decision-making in relation to devolved s.106 monies where there is a decision to be made about in relation to what and where the monies should be spent (as opposed to when the funds have already been earmarked for a specific project as part of the agreement) and the expenditure of local CIL.

2.2 When s.106 monies have been earmarked for a specific project, the only decision relates to when that project should be delivered. Such decisions will be taken at Service Director level in consultation with the members of the Area Committee.

3. Membership

3.1 The membership of each Area Committee will include all councillors who have been elected for wards in the Area and no other councillors. It is expected that all councillors will attend each meeting of their respective Area Committee.

4. Procedure rules

Meeting arrangements

4.1 Area Committee meetings will normally be held annually, with the option of an additional meeting when required. These meetings will be supported by Democratic Services.

Election of Area Committee Chair

4.2 An Area Committee Chair will be elected at a formal meeting of its members.

4.3 The Area Committee Chair will be elected by overall majority. Where there is no overall majority of votes, the Area Committee Chair shall be either: a member of the political group with the most councillors on the Area Committee; or where there is no such largest group, a member of whichever political group represented on the Area Committee, is the largest group on the Council.

4.4 The Area Committee Chair shall remain in post until:

4.4.1 they resign;

4.4.2 a motion is passed by the majority of the Area Committee members to remove the Chair; or

4.4.3 a local election is held after which a chair shall again be elected at an informal meeting of the new members.

Quorum

4.5 The quorum for the Area Committee to take a delegated council decision is 50% of councillors in the Area Committee.

Voting

4.6 Only elected councillors are entitled to vote on delegated council decisions taken by Area Committees.

4.7 In the event of an equality of votes the Area Committee Chair will have a second, or casting vote.

Substitute arrangements

4.8 Area Committee councillors cannot be substituted.

Agenda

4.9 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

4.10 The meetings of Area Committees 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

4.11 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: democratic.sevices@bristol.gov.uk

Post: Bristol City Council, Democratic Services Section, City Hall, College Green Bristol BS1 5TR (if delivered by hand) or Bristol City Democratic Services Section PO Box 3176 Bristol BS3 95S

Fax: 0117 9222146

5. Access to Information Rules

Area 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

Area 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 (e.g. officer member protocol).

7. Decision making

7.1 Area Committees must make decisions:

- in accordance with the Council's budget and policy framework;
- in accordance with the approved local CIL/s.106 budget and requirements for its area;
- after due regard to the local priorities and consultation with the local community;
- in accordance with the Council's Equalities Duties;
- in accordance with all relevant procedure rules within the constitution

including -

- financial regulations;
- contract procedure regulations;
- procurement rules;
- 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.

7.2 An Area Committee may only exercise a function in so far as the function impacts on its own area.

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

7.4 An Area Committee, or two or more Area Committees jointly, may refer a matter to either the relevant Strategic Director or cabinet for a decision.

7.5 The decision-making power of Area Committees is delegated by the Elected Mayor. As such, the Mayor may at any time choose to take a decision normally taken by the Area Committees, or to delegate the power to take that decision to the Cabinet or a Strategic Director.

7.6 Where the Monitoring Officer or Chief Finance Officer is of the opinion that a proposal, decision, or omission of an Area 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,

then 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.

7.7 Where a matter has been referred to Cabinet or Full Council under section 7.6, the implementation of the proposal or decision shall be suspended until the matter has been considered by Cabinet and/or Full Council.

7.8 Where a matter has been referred to Cabinet under 7.6 (a) (b) or (c) Cabinet may:

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

7.9 Where a matter has been referred to Cabinet under 7.6 (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 Area Committee for determination within the budget and policy framework, or in accordance with the procedure rules.

7.10 Before deciding any matter in accordance with section 7.6 to 7.8, Cabinet will consider a report from a statutory officer or Strategic Director.

Guidance notes

i. The Area Committees are established pursuant to regulation 6 of 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 communities to help in the improvement of the area.

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 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) Public Forum statements (maximum time of 30 minutes)
- e) Reports on proposed decisions for councillors

Sometime prior to the public meeting the Area 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.

iv 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, e.g. 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.