

Committee Model Working Group

31 March 2023



Report of: Director – Legal and Democratic Services

Title: Committee structure and responsibilities of committees

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

That the Committee Model Working Group considers and makes recommendations in respect of the matters raised in this report.

The significant issues in the report are:

This report sets out a number of matters for the Committee Model Working Group to consider relating to the structure and responsibilities of committees.



1. Summary

As part of the preparations for the Committee Model of governance, there are a number of detailed matters that the Working Group needs to consider, which are part of the Work Programme for the Working Group during 2023.

This report considers how functions and responsibilities will be discharged under the Committee Model of governance, through Full Council and delegations to committees of the Council.

The Working Group will need to make recommendations about the matters raised in this report. All recommendations from the Working Group will be taken to Full Council in due course for decision.

2. Responsibilities of Full Council

Under the Committee Model, all functions are either reserved to Full Council or are delegated by Full Council to committees of the Council or to officers of the Council.

Legally, there are a number of functions which must be discharged by Full Council, and these are set out in Regulation 3 of the Local Authorities (Committee System) (England) Regulations 2012.

- a. The approval or adoption of the following plans or strategies:
 - i. Annual Library Plan
 - ii. Crime and disorder reduction strategy
 - iii. Development Plan documents
 - iv. Licensing Authority Policy Statement
 - v. Local Transport Plan
 - vi. Plans and alterations that together comprise the Development Plan
 - vii. Sustainable Community Strategy
 - viii. Youth justice plan;
- b. Approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments, or capital expenditure, or for determining the authority's minimum revenue provision;
- c. Approval (where required) of the submission of any plan or strategy (whether in draft or not) referred to in (a) or (b) above to the Secretary of State or any Minister of the Crown for approval;
- d. Making, amending or revoking a Members' Allowances Scheme (to include basic, attendance and special responsibility allowances);
- e. Determination of any allowance to be paid to the Chair or Vice-Chair of the Council (allowances to the Lord Mayor/Deputy Lord Mayor);
- f. Determination of any basic, attendance or special responsibility allowances under an approved Members' Allowances Scheme;

- g. Making a request to the Local Government Boundary Commission for England for single-member electoral areas;
- h. Passing a resolution to change a scheme for elections (whole council, elections by halves or elections by thirds);
- i. Making an order giving effect to recommendations made in a community governance review;
- j. To permit co-opted members of an overview and scrutiny committee to vote at an overview and scrutiny committee.

There are also a number of other responsibilities that custom, and practice would indicate should also be discharged by Full Council. These responsibilities as currently set out in Part 3 of the Council's Constitution could include:

- a. Approval of the annual budget and setting the Council Tax;
- b. Approval of the Treasury Management Strategy;
- c. Approval of the Council's non-statutory plan for the delivery of the Council's policies and strategies (known as the "Corporate Plan");
- d. Approval of the Council's Constitution;
- e. Approval of the Council's Annual Pay Policy Statement;
- f. Establishment of and appointment to committees, including chairs of committees;
- g. Appointment of the Leader and Deputy Leader of the Council;
- h. Appointment of the Lord Mayor and Deputy Lord Mayor;
- i. Appointment of the Head of Paid Service, Monitoring Officer, Chief Finance Officer, Returning Officer and Electoral Registration Officer;
- j. Adoption of the scheme of delegation to officers.

It is assumed that any business that is currently dealt with by Full Council will continue to be dealt with by Full Council. However, there may be other matters that members determine should be reserved to Full Council.

3. Responsibilities of Policy Committees

Under the Committee Model of governance, the Council will delegate functions to one or more policy committees. The power to delegate functions to committees is found in s.101 of the Local Government Act 1972. Full Council can establish committees and sub-committees. A policy committee can also delegate responsibilities to a sub-committee or to an officer, unless prohibited from doing so by Full Council.

Consideration will need to be given to the number of policy committees that the Council wishes to establish and the delegation of functions to those committees. This report sets out 3 potential structures for the Working Group to consider: a structure that mirrors the current Cabinet member portfolios, a structure that reflects the themes in the Corporate Strategy and a structure that aligns with the operational Directorates within the Council. The 3 potential structures are indicative only and should be used to facilitate discussion by the Working Group. The Working Group may determine that a different structure should be proposed to Full Council.

Membership of policy committees is subject to the rules relating to political balance as set out in the Local Government (Committees and Political Groups) Regulations 1990. In each of the options presented below, an indication is given of the total number of seats that might be available on the policy committees based on a working assumption that there would be 9 seats on each committee, which is the equivalent to the number of seats currently on all of the regulatory committees, except the Licensing Committee which has 15 seats. There are currently 69 seats in total on the regulatory committees.

It should be noted that Members have indicated a preference for an agenda setting meeting to take place before each of the formal Committees.

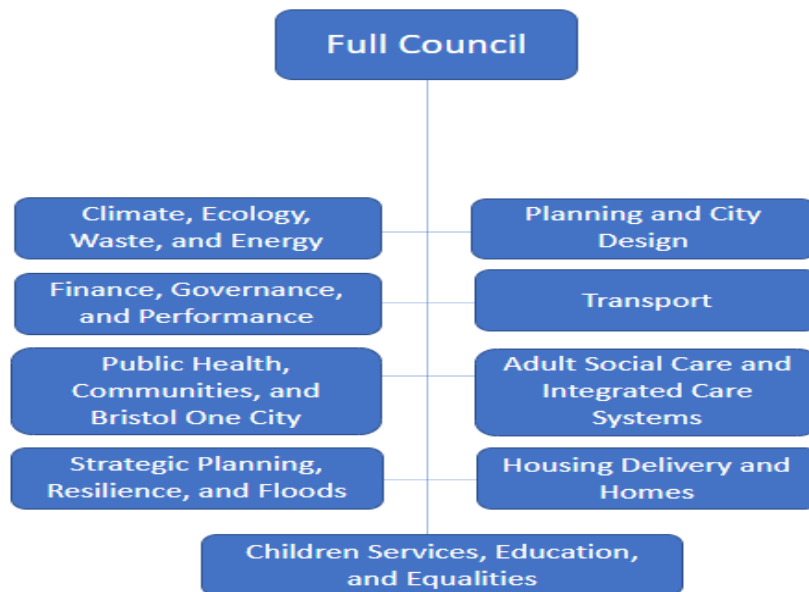
A Committee structure that mirrors current Cabinet Member Portfolios

Under the Mayor and Cabinet Model of governance, the Mayor is able to reserve executive functions to themselves or delegate functions to Cabinet Members. There are currently nine portfolios of functions as follows:

1. Planning and City Design
2. City Economy, Finance, Governance and Performance
3. Children's Services, Education and Equalities
4. Public Health, Communities and Bristol One City
5. Adult Social Care and Integrated Care System
6. Strategic Planning, Resilience and Floods
7. Housing Delivery and Homes
8. Transport
9. Climate, Ecology, Waste and Energy

Under the Committee Model of governance, Full Council could delegate the same functions to an equivalent number of policy committees that mirrors the current Cabinet Member portfolios. Based on the working assumption that there would be 9 seats on each of these committees, under this model, there would be 81 seats on the policy committees. When the 69 seats on regulatory

committees are taken into account, this would give an indicative total of 150 seats across all committees. An indicative structure based on the current Cabinet member portfolios is as follows:



Appendix A lists further details of the functions that are contained within each of the current Cabinet Member portfolios and those are the functions that will need to be allocated to different policy committees depending on the responsibilities that each policy committee has.

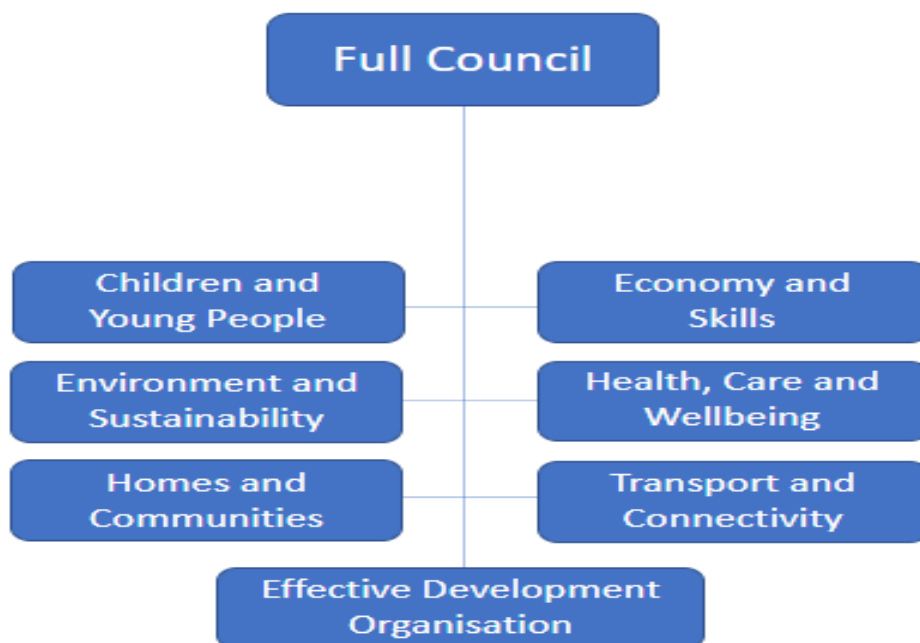
A Committee structure that reflects the themes in the Corporate Strategy

The Council’s Corporate Strategy 2022-27 contains the following themes:

- Children and young people: A city where every child belongs and every child gets the best start in life, whatever circumstances they were born into.
- Economy and skills: Economic growth that builds inclusive and resilient communities, decarbonises the city and offers equity of opportunity.
- Environment and sustainability: Decarbonise the city, support the recovery of nature and lead a just transition to a low-carbon future.
- Health, care and wellbeing: Tackle health inequalities to help people stay healthier and happier throughout their lives.
- Homes and communities: Healthy, resilient, and inclusive neighbourhoods with fair access to decent, affordable homes.
- Transport and connectivity: A more efficient, sustainable, and inclusive connection of people to people, people to jobs and people to opportunity.

- Effective development organisation: From city government to city governance: creating a focussed council that empowers individuals, communities, and partners to flourish and lead.

Under the Committee Model of governance, Full Council could delegate functions to policy committees that reflect the themes in the Corporate Strategy. Based on the working assumption that there would be 9 seats on each of these committees, under this model, there would be 63 seats on the policy committees. When the 69 seats on regulatory committees are taken into account, this would give an indicative total of 132 seats across all committees. An indicative structure based on the themes in the Corporate Strategy is as follows:



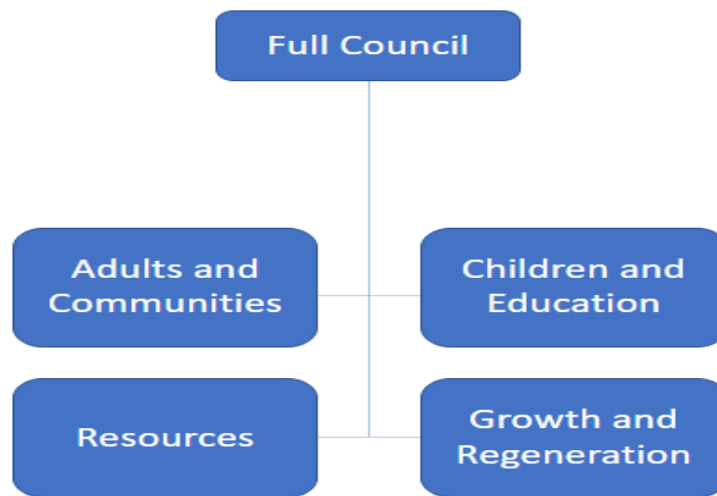
A Committee structure that aligns with operational Directorates within the Council

The operational management of the Council is carried out by officers and the management structure of the Council is divided into the following operational Directorates and Divisions:

- Growth and Regeneration Directorate
 - Housing and Landlord Services
 - Economy of Place
 - Development of Place
 - Property, Assets and Infrastructure
- People – Children and Education Directorate
 - Children and Families
 - Educational Improvement
- People – Adults and Communities Directorate
 - Adult Social Care
 - Communities and Public Health
- Resources Directorate
 - Finance

- HR, Workplace & Organisational Design
- Legal and Democratic Services
- Policy, Strategy and Digital

Under the Committee Model of governance, Full Council could delegate functions to policy committees that are aligned with the operational Directorates within the Council. Based on the working assumption that there would be 9 seats on each of these committees, under this model, there would be 36 seats on the policy committees. When the 69 seats on regulatory committees are taken into account, this would give an indicative total of 105 seats across all committees. An indicative structure that aligns with the operational Directorates within the Council is as follows:



3. Policy and Resources Committee

Members have heard that in many other Councils operating a committee system of governance, a Policy and Resources Committee is in place which is responsible for considering matters of policy and financial management. In each of the models above, the Working Group will need to consider where the functions of a Policy and Resources Committee might be discharged including, for example, performance management, budget oversight, risk management and annual budget development.

4. Responsibilities of Regulatory Committees

The Council already has in place a number of regulatory committees, for example, development control, licensing, public safety and protection, audit, human resources, public rights of way and greens. Currently these functions are non-executive functions (i.e., they are not the responsibility of the Mayor and Cabinet). These committees are established by Full Council, and it is anticipated that similarly constituted committees will be established under the Committee Model of governance to discharge the same regulatory functions.

The current structure of the regulatory committees within the Council is as follows:



As with policy committees, membership of regulatory committees is subject to the rules relating to political balance and as noted above there are currently 69 seats allocated across the regulatory committees. Furthermore, these committees can establish sub-committees and also delegate functions to officers.

5. Responsibilities of other committees

The Council has also decided that it will establish an Escalation Panel which would consider matters escalated to it, in line with the principles of decision making set out in Article 14.02 of the Council’s Constitution details as follows: proportionality; due consultation; taking of professional advice from others; respect for human rights; a presumption in favour of openness; clarity of aims and desired outcomes; due regard to public sector quality duty aims and; the highest standards of ethical conduct.

The Council also has in place arrangements for decision-making by CIL/Area Committees. Decision-making by those committees and other potential options for local decision-making will be the subject of a future report to the Working Group.

6. Legal and Constitutional matters

The Legal and Constitutional matters raised by this report are as follows.

Under the Committee Model of governance, the Council will delegate functions to one or more policy committees. The power to delegate functions to committees is found in s.101 of the Local Government Act 1972. Full Council can establish committees and sub-committees. A policy committee can also delegate responsibilities to a sub-committee or to an officer, unless prohibited from doing so by Full Council.

Furthermore, under the Committee Model of governance, the Council will delegate regulatory functions to one or more regulatory committees and the legal basis for doing so is the same as for policy committees.

Membership of policy committees and regulatory committees is subject to the rules relating to political balance as set out in the Local Government (Committees and Political Groups) Regulations 1990 which will be used to determine the number of seats on committees and their allocation to political groups.

Part 3 of the Council's Constitution currently sets out the detail relating to the discharge of executive and non-executive functions. Once the structure of the committees has been agreed it will be necessary to rewrite this part of the Council's constitution to reflect the new structure.

7. Matters for the Working Group to consider

The Working Group should consider the following matters as part of the preparation for the Committee Model of governance.

Responsibilities of Full Council

There are functions that must, by law, be discharged by Full Council. However, there are other matters that it is anticipated would also be discharged by Full Council and the Working Group should consider whether these other functions should be reserved to Full Council or delegated to a committee.

Responsibilities of Policy Committees

Full Council will need to determine the functions that will be delegated to policy committees, the structure of those committees and whether policy committees will be able to delegate to sub-committees and to officers.

In particular, Full Council needs to determine whether it should establish a Policy and Resources Committee and if so, which functions should be delegated to it.

This report sets out 3 different potential models for the Working Group to consider. These are not prescriptive, and the Working Group may wish to consider alternative models for the structure of the policy committees and the distribution of functions across those committees.

Furthermore, depending on the number of policy committees that will be established, it will be necessary to consider the frequency of committee meetings and agenda-setting meetings as well as the timings for other briefings for the Chair/Vice-chair of the policy committees.

Responsibilities of Regulatory Committees

Full Council will also need to determine the functions that will be delegated to regulatory committees and in doing so, consider whether there are any changes that should be made to the distribution of functions across regulatory committees.

To summarise, the Working Group may wish to frame the discussion of the above matters around the following questions:

- a. Noting that there are certain statutory functions that must be discharged by Full Council, are there other functions as set out in paragraph 2 of this report that should be discharged by Full

Council?

- b. Will Full Council allow policy committees to delegate to sub-committees and to officers?
- c. How many policy committees should the Council have?
- d. What are the areas of responsibility for each policy committee?
- e. Should there be a Policy and Resources Committee?
- f. What functions should a Policy and Resources Committee have?
- g. What is the indicative frequency of meetings of the Policy Committees?
- h. Are there any changes that should be made to Regulatory Committees?

Appendices:

Appendix A – Current Cabinet Member Portfolios

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None

APPENDIX A

CURRENT CABINET MEMBER PORTFOLIOS

MAYOR'S CABINET PORTFOLIO: PLANNING AND CITY DESIGN

- 1.City Policy, Strategic Planning and Communications, Council Plan
- 2.External Relations
- 3.Major projects
- 4.Development management
- 5.The Harbour
- 6.Devolution
- 7.UN Sustainable Development Goals
- 8.Civil Contingency Planning - Planning and control
- 9.Air Quality and Clean Air Plan
- 10.Sport and leisure
- 11.City Office and Bristol One City Plan
- 12.City Funds
- 13.Regulatory and Licensing function
- 14.All other executive functions not otherwise listed within Cabinet portfolio terms of reference listed below
- 15.Any executive functions that the Mayor may wish from time to time to have reserved to himself or to be discharged in a different manner to the general delegation arrangements described below.

CABINET PORTFOLIO: CITY ECONOMY, FINANCE, GOVERNANCE & PERFORMANCE

- 1.Designated Deputy Mayor in accordance with Local Government Act 2000
- 2.Finance and Budgets
- 3.Legal and statutory services
- 4.Corporate services
- 5.Performance
- 6.Council owned Companies and Innovation
- 7.Capital Programme
- 8.City Economy
- 9.Culture
10. Council's assets and Property Board
11. Commercialisation
12. Bristol 2023

CABINET PORTFOLIO: CHILDREN'S SERVICES, EDUCATION & EQUALITIES

- 1.Deputy Mayor
- 2.Equalities
- 3.Designated Lead Member for Children's Services
- 4.Children's Social Care
- 5.Corporate Parenting, Fostering and Adoption
- 6.Children & families support services
- 7.Youth Services
- 8.Children's Centres & Pre-School
- 9.Safeguarding Children (including safeguarding boards)
- 10.Schools and Partnerships

11. Further education
12. Apprenticeships, training and work experience
13. Domestic violence and abuse
14. Family & Child Friendly City
15. Educational Catch up plan - NEETs
16. Diversification of teaching work force
17. New schools and school places
18. School exclusions
19. School streets project
20. SEND
21. PHSE
22. Lifelong learning

CABINET PORTFOLIO: ADULT SOCIAL CARE & INTEGRATED CARE SYSTEM

1. Adult Social Care
2. Safeguarding Adults (including safeguarding boards)
3. Age Friendly City
4. Better Lives Programme
5. Family or Friend Carers
6. Ethical Care Council
7. Adaptable homes and Intergenerational housing
8. Integrated Care System
9. Women commission & Women Safe City

CABINET PORTFOLIO: CLIMATE, ECOLOGY, WASTE & ENERGY

1. Climate Emergency Strategy delivery
2. Ecological Emergency Strategy delivery
3. Waste and Recycling Strategy delivery
4. Clean Streets Campaign and street cleansing
5. Energy, Heat Networks and City Leap
6. Carbon neutrality & Green New Deal

CABINET PORTFOLIO: HOUSING DELIVERY AND HOMES

1. Housing delivery and Innovation
2. Major development schemes
3. Modern Methods of Construction
4. Social housing & support services
5. Landlord services
6. Homelessness
7. Home-choice
8. University Development & Student Accommodation
9. Self builds
10. Retro fit sustainability of homes - carbon and waste
11. Estate renewal
12. Private rented sector
13. Living Rent City
14. Housing Strategy & Project 1000
15. Land and property allocated for housing development

CABINET PORTFOLIO: TRANSPORT

- 1.Transport policy
- 2.Transport maintenance
- 3.Major Transport projects
- 4.Local Joint Transport Plan

CABINET PORTFOLIO: PUBLIC HEALTH, COMMUNITIES & BRISTOL ONE CITY

- 1.Public Health including Mental Health Services and Health Partnerships
- 2.Community Engagement and development
- 3.Democratic Engagement
- 4.Transferred community assets
- 5.VCS and Community initiatives
- 6.Libraries
- 7.Parks and Green Spaces
- 8.Events and Carnivals
- 9.Commissioning (Health)
10. Community Safety, Community Cohesion and Safer Bristol Partnership
11. Public protection and environmental health
12. Preventative Services

CABINET PORTFOLIO: STRATEGIC PLANNING, RESILIENCE & FLOODS

- 1.Development of regional planning Strategy (including SDS)
- 2.Cross border responsibility for joint spatial planning.
- 3.Delivery of renewed Local Plan
- 4.City resilience (ink; delivery of city resilience strategy) and contingency
- 5.Flooding and flood strategy