

22 May 2024		ITEM: 9
Annual Council		
Committee Structure for 2024-2025		
Wards and communities affected: None	Key Decision: Non-key	
Report of: Dr Dave Smith, Chief Executive and Managing Director Commissioner		
Accountable Assistant Director: Not Applicable		
Accountable Director: Daniel Fenwick, Executive Corporate Director, Corporate Services/ Monitoring Officer		
This report is public		
Version: Final Version		

Executive Summary

This report requests the Council to formally establish those committees it considers necessary to fulfil its functions in the ensuing municipal year, in accordance with the requirements of both legislation and the Council's Constitution. This report sets out changes to the committee structure following intervention and improvement activity.

Commissioner Comment:

None.

1. Recommendation(s)

- 1.1 **That the Overview and Scrutiny Committee Structure listed in paragraph 3.2 of the report be established for the 2024/25 municipal year following the prior agreement at Full Council in March 2024.**
- 1.2 **That the Committees listed in paragraph 3.5 of the report be established for the 2024/25 municipal year.**
- 1.3 **That i) the Standards Committee and ii) the Audit Committee are established alongside their new terms of reference attached at Appendix 1.**
- 1.4 **That the Lower Thames Crossing Task Force remains as a group until such time the Place Overview and Scrutiny Committee decide how to establish suitable oversight of the issue within its remit.**

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1.5 That the Monitoring Officer make the necessary amendments to the Constitution to incorporate the changes to the committee structure as approved by Council.

2. Introduction and Background

2.1 The Council has a statutory duty to establish annually:

- (a) At least one Overview and Scrutiny Committee;
- (b) A committee under the Licensing Act 2003;
- (c) A Health and Wellbeing Board.

and may establish other committees to discharge non-executive powers delegated by Full Council.

3. Issues, Options and Analysis of Options

3.1 The Council is requested to formally establish those committees considered necessary to fulfil the functions of the Authority during the forthcoming municipal year, in accordance with the requirements of both legislation and the Constitution.

Overview and Scrutiny:

3.2 Following Full Council's decision in March 2024 the Constitution currently makes provision for three Overview and Scrutiny committees, as follows.

- Corporate Overview and Scrutiny Committee;
- Place Overview and Scrutiny Committee;
- People Overview and Scrutiny Committee;

3.3 The terms of reference for each of the three committees mentioned in paragraph 3.2 above are set out in Chapter 4, Part 2 of the Constitution.

Committees and sub-committees of the Council:

3.4 Provision has been made within the Constitution for the following committees of the Council:

- Planning Committee;
- Licensing Committee (and a Licensing Sub-committee);
- General Services Committee;
- Corporate Parenting Committee;

3.5 The terms of reference of each committee mentioned in paragraph 3.5 above are set out in Chapter 5 of the Constitution.

3.6 In addition to the above committees, the Standards and Audit function is split into two separate committees as below. The terms of reference of these new committees are attached at appendix 1:

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- Standards Committee;
- Audit Committee;

4. Reasons for Recommendation

- 4.1 The Council is recommended to establish the committees detailed in this report for the 2024-25 municipal year in order to facilitate the efficient discharge of its functions and that their terms of reference be those contained with the Constitution.

5. Consultation

- 5.1 Group Leaders have been consulted on the committee structure set out in this report throughout 2023/24.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 Establishing those committees it considers necessary to fulfil its functions, in accordance with the requirements of both legislation and the Constitution, should enable the Council to discharge those functions in a timely, open and transparent manner for the benefit of the residents of the Borough.

7. Implications

7.1 Financial

Implications verified by: **Rob Chimani**
Accountant
4 April 2024

The cost of servicing these committees will be met through the existing budgets. The financial impact of special responsibility allowances for the newly created or revised roles in O & S, Standards and Audit committees are addressed in the separate Independent Remuneration Panel (IRP) report contained within this agenda. The overall financial impact of the committee changes on allowances projects a saving from 2023/24's costs.

7.2 Legal

Implications verified by: **Gina Clarke**
Governance Lawyer & Deputy Monitoring Officer
1 May 2024

It is a statutory requirement as set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011 for all authorities operating executive arrangements to establish overview and scrutiny committees to act as a check and balance on the Council's Executive. The Council must have regard to Statutory Guidance when exercising their

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overview and scrutiny functions. Overview and scrutiny legislation gives the Council the power to determine which overview and scrutiny arrangements best suit its needs, and so gives the Council a great degree of flexibility to decide which arrangements to adopt as recommended in this report.

The proposed changes to the Council's existing scrutiny arrangements will assist the Council in complying with its scrutiny functions in a more effective and efficient way.

The legislative basis for the establishment of the committees referred in paragraph 3.5 is as follows:

- Sections 101 and 102 of the Local Government Act 1972 empowers the Council to discharge any of its functions, subject to certain exceptions, by a committee or subcommittee. A Planning Committee and General Services Committee may be set up in accordance with these provisions.
- The Council is required to establish a Licensing Committee to discharge its licensing functions, which complies with section 6(1) and section 7(1) of the Licensing Act 2003.
- The Council is required to establish a Health and Wellbeing Board which complies with section 194 Health and Social Care Act 2012.
- The Council may establish a Corporate Parenting Committee to monitor the Council's corporate parent functions. However any specific actions the committee might identify as necessary would be Executive functions by virtue of section 9D Local Government Act 2000 to be decided by Cabinet or the relevant Cabinet Member.
- As to the establishment of a dedicated Audit Committee, the Accounts and Audit Regulations 2015 (as amended) require the Council to ensure that it has a sound system of internal control which—
 - (a) facilitates the effective exercise of its functions and the achievement of its aims and objectives;
 - (b) ensures that the financial and operational management of the authority is effective; and
 - (c) includes effective arrangements for the management of risk.

CIPFA Guidance for Local Authorities Audit Committees published in 2022 recommend that Local authorities audit committee should have no other functions, and explicitly no decision-making role. The proposed establishment of a dedicated Audit Committee complies with best practice.

- Section 27 of the Localism Act 2011 requires the Council to promote and maintain high standards of conduct by its members and co-opted members. Section 28(6) requires the Council to have arrangements in place to deal with complaints that its code of conduct has been breached, including arrangements for the investigation for complaints and decisions on allegations to be made.

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- The establishment of a separate Audit Committee and also a Standards committee may be set up in accordance with the provisions of section 101 and section 102 Local Government Act 1972 to discharge the Council's functions in relation to audit and standards of conduct for members.

The allocation of seats to certain committees established by the Council is subject to political proportionality in accordance with sections 15 to 17 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, as amended. These provisions ensure that the political composition of the Council's committees, as far as possible, replicates the political composition of the Council.

The political balance rules do not apply to the Licensing Committee established under the Licensing Act 2003, nor the Health and Well-being Board. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny Regulations 2013. The application of the political balance rules to seats on the Council's Overview and Scrutiny Committees is in line with the Council's practice for previous years.

7.3 Diversity and Equality

Implications verified by: **Becky Lee**

**Team Manager - Community Development and Equalities
Adults, Housing and Health Directorate**

28 March 2024

There are no diversity or equality implications noted in this report.

7.4 Risks

Failure to properly establish committees to discharge the duties of the Council would severely jeopardise the decision-making governance of the council. This report enables the Council to fulfil its statutory duties.

7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

Many of the committees impact upon services of the council. However, there are no direct implications related to the structuring of these committees.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None.

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9. Appendices to the report

- Appendix 1 – Terms of Reference for the Standards Committee and the Audit Committee.

Report Author:

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Legal Services

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