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Simon Young, Solicitor
Head of Legal and Democratic Services



To: All Members of the Strategy and Resources Committee

Date: 1 April 2016

Dear Councillor

STRATEGY AND RESOURCES COMMITTEE - TUESDAY, 5TH APRIL, 2016

Please find attached the following report for the meeting of the Strategy and Resources Committee to be held on Tuesday, 5th April, 2016. This was not included in the original Agenda pack previously published.

1. **COMMITTEE RESTRUCTURING** (Pages 3 - 14)

For further information, please contact Fiona Cotter, 01372 732124 or fcotter@epsom-ewell.gov.uk

Yours sincerely

A handwritten signature in black ink, appearing to read "S Young".

Head of Legal and Democratic Services

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COMMITTEE RESTRUCTURING

<u>Report of the:</u>	Chief Executive
<u>Contact:</u>	Frances Rutter/Simon Young
<u>Urgent Decision?(yes/no)</u>	No
<u>If yes, reason urgent decision required:</u>	N/A
<u>Annexes/Appendices (attached):</u>	Committee Terms of Reference
<u>Other available papers (not attached):</u>	None stated

REPORT SUMMARY

This report sets out proposed changes to the Committee structure. The main changes comprise the replacement of the Social and Leisure Committees with a single Community & Well-being Committee, and modification of the terms of reference of certain committees.

RECOMMENDATION (S)

That the Committee recommends to Council that:

- (1) The Social Committee and Leisure Committee be disestablished with effect from the next municipal year;**
- (2) A new Community & Well-being Committee be established with effect from the next municipal year, comprising ten members;**
- (3) The Terms of Reference of Committees and Panels be amended as set out in the Annexe to this report.**

Notes

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 The committee structure is part of the mechanism by which the Council can ensure that its core value of performing with openness and honesty is promoted and that decisions are made in accordance with the principles of good Corporate Governance and in the spirit of striving for continuous improvement.

2 Background

- 2.1 As a result of the Local Government Act 2000 and following public consultation, the Council took the decision to adopt “alternative arrangements” comprising a “streamlined committee system”. A new Constitution was duly approved by the Secretary of State and adopted in September 2001.
- 2.2 Following the Localism Act 2011, the “alternative arrangements” of the sort adopted by the Council are now categorised as a “committee system” of governance. Under the committee system most significant decisions are taken by members in Committee. The Council’s current committee structure has been in place since May 2014.
- 2.3 At that time it was agreed that all committees, aside from the Planning Committee and Standards Committee, should comprise ten members. It was proposed that the number of members on the Planning Committee and Standards Committee should remain unchanged at thirteen and nine respectively. It was considered that ten was about the right number to facilitate discussion and decision-making at committees. This will remain unchanged. The Council’s various Panels have different membership and will remain unchanged.

3 Proposals

- 3.1 It has been proposed by members that the Council should effectively merge the Leisure and Social Committees into a single new policy committee, to be called the “Community & Well-being Committee”.
- 3.2 In order to facilitate the business currently handled by committees, it has also been proposed that the terms of reference of the policy committees be adjusted slightly, as set out in the Annexe to this report.
- 3.3 Certain other changes have been proposed, but are not covered in this report. If they are to proceed, they will be subject to a separate report at a later date.
- 3.4 It is not proposed that any changes be made to the membership of any other committees. In accordance with the previous decision of the Council that policy committees should comprise ten members, it is proposed that the new Community & Well-being committee will have ten members.
- 3.5 The changes will result in there being 62 seats for members on ordinary committees and 57 seats on the other committees and panels. The reduction in 10 seats on the ordinary committees should not lead to any disenfranchisement, as there remain a significant number of seats to fill on committees and panels, sufficient to involve all members.

- 3.6 The full implications of the changes will be considered by Council in the normal way at the Annual Meeting. However, it is likely to be the case that of the ten members on the new committee, eight should be from the Residents' Association Group, with one Conservative and one Labour member.

4 Financial and Manpower Implications

- 4.1 There are no manpower implications arising from the recommendations in this report. The Democratic Services team has recently reduced in number and the modest changes to the committee structure do not present any opportunity to make further savings. However, there would potentially be a modest saving in terms of overheads as a result of a reduction in the number of evenings the facilities would be required to be open (assuming that the new Committee would meet with the same regularity as the other policy committees).
- 4.2 **Chief Finance Officer's comments:** The reduction in the number of committees presents the opportunity for a small direct saving in respect of the allowance payable to a policy committee chairman (£2338.95 in 2015/16).

5 Legal Implications (including implications for matters relating to equality)

- 5.1 The Council has the power under section 101 of the Local Government Act 1972 to arrange for the discharge of its functions, including to committees and officers. Under section 102(1) the Council has the power to appoint committees to discharge the functions under arrangements made under section 101. There are also specific statutory requirements for committees to discharge specific functions, such as the requirement for a licensing committee arising from the Licensing Act 2003. Under section 102(4) the Council has the power to appoint advisory committees, and the Council's panels are appointed under that power.
- 5.2 Under the Local Government Act 2000, as amended in particular by the Localism Act 2011, an authority operating a committee system may, but does not have to, appoint a scrutiny committee. If a scrutiny committee is appointed, it must have the power to review or scrutinise decisions taken in connection with the discharge of any functions of the authority, to make reports or recommendations with respect to the discharge of any functions of the authority and to make reports or recommendations on matters which affect the area or its inhabitants. A scrutiny committee cannot discharge any functions other than these – so a scrutiny committee cannot itself be responsible for the discharge of specific functions.
- 5.3 Under section 19 of the Police & Justice Act 2006, the Council must have a crime and disorder committee. In the case of an authority operating a committee system which has chosen to have a scrutiny committee, the crime & disorder committee is to be a scrutiny committee. Its functions are to review or scrutinise the discharge of crime and disorder functions of certain responsible authorities (principally the police and local authorities),

and to make reports or recommendations with respect to the discharge of those crime and disorder functions. As with other scrutiny committees, it cannot itself be responsible for the discharge of any crime and disorder functions.

5.4 The allocation of seats on the proposed committees will be the subject of further consultation with Group Leaders and will form part of the report to Annual Council regarding the allocation of seats on committees. Seats on committees must be allocated to groups in accordance with the political balance principles set out in the Local Government and Housing Act 1989.

5.5 Amendment of the Constitution will be required should the changes proposed be implemented.

5.6 ***Monitoring Officer's comments:*** The proposed changes are in accordance with the legislative requirements set out above.

6 Sustainability Policy and Community Safety Implications

6.1 There are no implications arising from this report.

7 Partnerships

7.1 There are no implications arising from this report.

8 Risk Assessment

8.1 In considering any future arrangements, the Council must have regard to the relevant legislative requirements. It is not considered that any significant risks arise as a result of the proposals in this report.

9 Conclusion and Recommendations

9.1 Subject to statutory provisions, and consideration of practical requirements, the committee structure is a matter for members to determine. In a committee system authority the size of Epsom and Ewell, the number of committees is a significant consideration. The proposals in this report provide an opportunity to consider the current committee arrangements and the means by which to best discharge the Council's responsibilities.

9.2 The Committee is asked to consider the proposals set out in this report and to make its recommendations to Council accordingly.

WARD(S) AFFECTED: N/A

Committee Terms of Reference

Part A – Current Terms of Reference and summary of changes

Existing Terms of Reference	Destination/Change
Environment Committee	
(a) transportation policy	No change
(b) waste management refuse collection and recycling	No change
(c) environmental improvement schemes	No change
(d) the quality of the public realm, including cleansing	No change
(e) highway matters that are the responsibility of the Borough Council and drainage	No change
(f) public conveniences	No change
(g) community safety, including anti-social behaviour	No change
(h) parking	No change
(i) safe-guarding the historic environment.	Move to Licensing & Planning Policy Committee
Strategy & Resources Committee	
(a) the Budget and Policy Framework, for submission to the Council	No change
(b) implementation and monitoring of treasury management policies	No change
(c) land use policy statements and briefs for specific areas	Move to Licensing & Planning Policy Committee
(d) the Corporate Governance Framework (jointly with the Chairmen of Standards and Audit, Crime & Disorder and Scrutiny Committees)	No change
(e) data quality and corporate risk management	No change
(f) the local economy	No change
(g) emergency planning and business continuity	No change
(h) the Council's human resources, property assets and finances	No change
(i) housing benefits administration	No change
(j) Civic and ceremonial matters	No change

Existing Terms of Reference	Destination/Change
Strategy & Resources Committee (cont)	
(k) dealing (at first instance) with any matters of general policy which do not fall within the terms of reference of any other committee and are not reserved to the Full Council.	No change
Leisure Committee	
(a) the promotion of sport, leisure, cultural and recreational activities	Move to new Community & Well-being Committee
(b) parks, open spaces and countryside (including Nonsuch Park JMC and Epsom and Walton Downs)	Move to new Community & Well-being Committee
(c) allotments	Move to new Community & Well-being Committee
(d) the Playhouse, Bourne Hall, Ewell Court House and the Ebbisham Centre	Move to new Community & Well-being Committee
(e) the Rainbow Centre	Move to new Community & Well-being Committee
(f) Bourne Hall Museum	Move to new Community & Well-being Committee
(g) Services for young people.	Move to new Community & Well-being Committee
Social Committee	
(a) affordable housing	Move to new Community & Well-being Committee
(b) housing strategy and investment programme	Move to new Community & Well-being Committee
(c) housing standards, homelessness, homelessness prevention and advice, housing needs assessment	Move to new Community & Well-being Committee
(d) housing benefit - welfare aspects	Move to new Community & Well-being Committee

Existing Terms of Reference	Destination/Change
Social Committee (cont.)	
(e) private sector housing and administration of housing grants	Move to new Community & Well-being Committee
(f) personal social services for the elderly and disabled	Move to new Community & Well-being Committee
(g) local NHS Services	Move to new Community & Well-being Committee
(h) work within the Voluntary Sector	Move to new Community & Well-being Committee
(i) contaminated land	Move to Environment Committee
(j) environmental health	Move to Environment Committee
(k) food safety and health and safety	Move to Environment Committee
(l) cemeteries and closed churchyards	Move to Environment Committee
(m) gypsy site management	Move to new Community & Well-being Committee
Licensing & Planning Policy Committee	
(a) matters relating to the local economy	No change.
(b) To consider and approve Local Plan documents for public consultation (including Development Plan Documents up to Preferred Options stage and Supplementary Planning Documents up to Consultation stage);	No change.
(c) To consider and recommend for approval to Council, submission versions of Development Plan Documents;	No change.
(d) To consider and approve final versions of Supplementary Planning Documents, and any subsequent changes to the Development Plan not constituting a new or substantially revised Development Plan Document;	No change.
(e) To consider and approve other informal policy guidance for adoption;	No change.

Existing Terms of Reference	Destination/Change
Licensing & Planning Policy Committee (cont.)	
(f) To consider and approve the Council's Local Development Scheme and Annual Monitoring Report;	No change.
(g) To consider and approve (i) draft Conservation Area Appraisals and Management Plans for public consultation and (ii) the final version of Conservation Area Appraisals and Management Plans;	No change.
(h) To consider and approve matters related to the Community Infrastructure Levy (CIL) leading up to the examination in public and the adoption of the CIL charging schedule;	No change.
(i) To consider and comment upon other authorities' or stakeholders' planning policy documents;	No change.
(j) To respond to government consultations on draft planning legislation and proposed planning policies;	No change.
(k) To consider any other planning policy matters not included in any of the above as deemed necessary by the Head of Planning and Building Control.	No change.
(l) To consider and determine (or delegate to a Licensing Hearings Panel) <ul style="list-style-type: none"> • Opposed and/or contentious applications made under the Licensing Act 2003 and/or applications for review under the said Act; • Opposed and/or contentious applications made under the Gambling Act 2005 and/or applications for review under the said Act; • Opposed and/or contentious applications for the granting, renewal, transfer or revocation of sex establishment licences; private hire and public hire licences; 	No change.
(m) To approve a licensing policy statement and gambling policy statement for recommendation to the Council and to keep this under review in accordance with the Licensing Act 2003 and the Gambling Act 2005 respectively;	No change.

Existing Terms of Reference	Destination/Change
Licensing & Planning Policy Committee (cont.)	
(n) To agree a pool of members to receive the necessary training to constitute Licensing Hearings Panels to undertake the administration of applications made under the Licensing Act 2003, the Gambling Act 2005, the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847.	No change.
(o) To appoint four Members from those trained in licensing matters to undertake the role of Chairman of the Licensing Hearings Panels.	No change.

Part B – Proposed New Terms of Reference

New Committee Terms of Reference
Environment Committee
(a) transportation policy
(b) waste management refuse collection and recycling
(c) environmental improvement schemes
(d) the quality of the public realm, including cleansing
(e) highway matters that are the responsibility of the Borough Council and drainage
(f) public conveniences
(g) community safety, including anti-social behaviour
(h) parking
(i) contaminated land
(j) environmental health
(k) food safety and health and safety
(l) cemeteries and closed churchyards
Strategy & Resources Committee
(a) the Budget and Policy Framework, for submission to the Council
(b) implementation and monitoring of treasury management policies
(c) the Corporate Governance Framework (jointly with the Chairmen of Standards and Audit, Crime & Disorder and Scrutiny Committees)
(d) data quality and corporate risk management
(e) the local economy

Strategy & Resources Committee (cont.)	
(f)	emergency planning and business continuity
(g)	the Council's human resources, property assets and finances
(h)	housing benefits administration
(i)	Civic and ceremonial matters
(j)	dealing (at first instance) with any matters of general policy which do not fall within the terms of reference of any other committee and are not reserved to the Full Council.
Licensing & Planning Policy Committee	
(a)	matters relating to the local economy
(b)	To consider and approve Local Plan documents for public consultation (including Development Plan Documents up to Preferred Options stage and Supplementary Planning Documents up to Consultation stage);
(c)	To consider and recommend for approval to Council, submission versions of Development Plan Documents;
(d)	To consider and approve final versions of Supplementary Planning Documents, and any subsequent changes to the Development Plan not constituting a new or substantially revised Development Plan Document;
(e)	To consider and approve other informal policy guidance for adoption;
(f)	To consider and approve the Council's Local Development Scheme and Annual Monitoring Report;
(g)	To consider and approve (i) draft Conservation Area Appraisals and Management Plans for public consultation and (ii) the final version of Conservation Area Appraisals and Management Plans;
(h)	To consider and approve matters related to the Community Infrastructure Levy (CIL) leading up to the examination in public and the adoption of the CIL charging schedule;
(i)	To consider and comment upon other authorities' or stakeholders' planning policy documents;
(j)	To respond to government consultations on draft planning legislation and proposed planning policies;
(k)	land use policy statements and briefs for specific areas
(l)	To consider any other planning policy matters not included in any of the above as deemed necessary by the Head of Planning and Building Control.

Licensing & Planning Policy Committee (cont.)	
(m)	To consider and determine (or delegate to a Licensing Hearings Panel) <ul style="list-style-type: none"> • Opposed and/or contentious applications made under the Licensing Act 2003 and/or applications for review under the said Act; • Opposed and/or contentious applications made under the Gambling Act 2005 and/or applications for review under the said Act; • Opposed and/or contentious applications for the granting, renewal, transfer or revocation of sex establishment licences; private hire and public hire licences;
(n)	To approve a licensing policy statement and gambling policy statement for recommendation to the Council and to keep this under review in accordance with the Licensing Act 2003 and the Gambling Act 2005 respectively;
(o)	To agree a pool of members to receive the necessary training to constitute Licensing Hearings Panels to undertake the administration of applications made under the Licensing Act 2003, the Gambling Act 2005, the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847.
(p)	To appoint four Members from those trained in licensing matters to undertake the role of Chairman of the Licensing Hearings Panels.
(q)	safe-guarding the historic environment.
Community & Well-being Committee	
(a)	the promotion of sport, leisure, cultural and recreational activities
(b)	parks, open spaces and countryside (including Nonsuch Park JMC and Epsom and Walton Downs)
(c)	allotments
(d)	the Playhouse, Bourne Hall, Ewell Court House and the Ebbisham Centre
(e)	the Rainbow Centre
(f)	Bourne Hall Museum
(g)	Services for young people.
(h)	affordable housing
(i)	housing strategy and investment programme
(j)	housing standards, homelessness, homelessness prevention and advice, housing needs assessment
(k)	housing benefit - welfare aspects
(l)	private sector housing and administration of housing grants

Community & Well-being Committee (cont.)	
(m)	personal social services for the elderly and disabled
(n)	local NHS Services
(o)	work within the Voluntary Sector
(p)	gypsy site management