

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Democratic Services and Legal Manager

To: Cabinet – 16 June 2015

(Author: Amanda Taylor - Democratic Services Officer)

Subject: Appointment of Panels and Working Parties

Purpose: To consider recommendations of the Council in respect of the appointment of Panels and Working Parties

Recommendations:

- 1) That the Pre-application Consultation Group be re-established for the municipal year without amendment to its term of reference; and substitutions be permitted where members form part of a political group subject to (i) substitutions applying for individual meetings only and (ii) the group leader or nominated representative submitting details to the Democratic Services and Legal Manager by noon on the day of the meeting, or at least 3 hours before the meeting, whichever is the sooner;
- 2) That the Housing Allocations Appeal Panel be re-established for the municipal year without amendment to the terms of reference; and no substitution arrangements be permitted other than those already detailed in the composition;
- 3) That the Discretionary Housing Payments Review Board be re-established for the municipal year without amendment to its terms of reference; and no substitution arrangements be permitted other than those already detailed in the composition; and
- 4) That the ICT Councillor Working Group be re-established for the municipal year without amendment to the terms of reference; that substitution arrangements apply (including for the Portfolio Holder with responsibility for ICT) where members form part of a political group subject to (i) substitutions applying for individual meetings only and (ii) the group leader or nominated representative submitting details to the Democratic Services and Legal Manager by noon on the day of the meeting, or at least 3 hours before the meeting, whichever is the sooner.

1.0 INTRODUCTION

- 1.1 In accordance with the Constitution, the Council at its annual meeting on 20 May 2015 was asked to decide which Panels and Working Parties to establish for the municipal year, and their size and terms of reference.

2.0 COUNCIL DECISIONS

- 2.1 Sections 1 and 8 of Part 3 of the Constitution detail which functions of the authority are functions of the full Council, and which are functions of the Cabinet.

- 2.2 A number of Panels and Working Parties deal with budget and policy framework issues. The Council is responsible for adopting and amending the budget and policy framework, but the Cabinet is responsible for making recommendations to full Council in accordance with the Budget and Policy Framework Procedure Rules. Such Panels and Working Parties therefore submit their recommendations and observations to Cabinet for consideration rather than direct to full Council. The full Council at its annual meeting invited the Cabinet to determine whether such Panels or Working Parties should be re-established and, if so, to determine their terms of reference and composition.
- 2.3 Full details of the Panels and Working Parties which have been referred to the Cabinet by full Council, together with details of their existing terms or reference, whether the function undertaken is a Cabinet function, or a Council function upon which the Cabinet submits recommendations, are included below. Subject to the Cabinet re-establishing the working parties and panels, and these details are also set out below. Nominations will be submitted by the Group Leaders prior to the meeting.

2.3.1 **Pre-application Consultation Group** (Council function – but Cabinet advises Council)

COMPOSITION: 12 councillors appointed in accordance with the political group regulations (although it is not necessary to appoint in accordance with political group regulations as the Consultation Group has no executive powers and cannot therefore make any decisions, only recommendations) plus appropriate officers with the power to co-opt relevant ward members and portfolio holders in an advisory role. There is no restriction on whether members of the Consultation Group must be members of the Planning Committee.

TERMS OF REFERENCE: (No executive powers) To assess and advise on the likely planning considerations in respect of significant planning proposals at both pre-application and post-decision stages. To provide a forum at which ward members can be informed about significant proposals likely to affect people in their wards and to enable them to consult and report back on such proposals.

SUBSTITUTIONS: Substitutions are permitted where members form part of a political group subject to (i) substitutions applying for individual meetings only and (ii) the group leader or nominated representative submitting details to the Democratic Services and Legal Manager by noon on the day of the meeting, or at least 3 hours before the meeting, whichever is the sooner.

RECOMMENDATION: That the Pre-application Steering Group be re-established for the municipal year without amendment to its term of reference; and substitutions be permitted where members form part of a political group subject to (i) substitutions applying for individual meetings only and (ii) the group leader or nominated representative submitting details to the Democratic Services and Legal Manager by noon on the day of the meeting, or at least 3 hours before the meeting, whichever is the sooner.

(If the above recommendation is accepted the membership of the Working Party will be approved at the Cabinet meeting on 16 June 2015.)

2.3.2. **Housing Allocations Appeal Panel** (Cabinet function)

COMPOSITION: 3 councillors being the Portfolio Holder with responsibility for Housing (where the portfolio is split, the relevant portfolio holder is the Housing Strategic Lead) (or in his/her absence any other member of the Cabinet), the Leader of the opposition group on the Council (or in his/her absence another member of the opposition group as nominated by the Group Leader), and 1 other councillor selected by the appropriate officer (currently the Housing Manager) at the time.

TERMS OF REFERENCE: To determine special cases for allocation outside of the allocations scheme or for inclusion on the housing register where a second request for review of a decision is received following an initial review by the Housing Operational Manager, and to hear appeals on homelessness decisions. The Panel has executive powers to determine any appeal within its terms of reference.

SUBSTITUTIONS: The composition caters for the eventuality of the Housing Strategic Lead Portfolio Holder or the Leader of the opposition group not being available to attend a meeting. The remaining member is selected by the Housing Manager and therefore it is not appropriate for substitution arrangements to apply to this remaining member.

RECOMMENDATION: That the Housing Allocations Appeal Panel be re-established for the municipal year without amendment to its terms of reference; and no substitution arrangements be permitted other than those already detailed in the composition.

2.3.3. **Discretionary Housing Payments Review Board** (Cabinet function)

COMPOSITION: 3 councillors selected by the appropriate officer (currently the Democratic Services and Legal Manager) at the time from the Portfolio Holder with responsibility for Housing (where the portfolio is split, the relevant portfolio holder is the Housing Strategic Lead portfolio holder (or in his/her absence any member of the Cabinet), the Leader of the opposition group or his/her deputy, a non-group member and 1 other councillor.

TERMS OF REFERENCE: Executive powers to hear and decide discretionary housing payments appeals from dissatisfied applicants.

SUBSTITUTIONS: The composition already caters for the eventuality of the Housing Strategic Lead Portfolio Holder or the Leader of the opposition group (if chosen) not being available to attend a meeting. Any remaining members are selected by the Democratic Services and Legal Manager and it is not appropriate for substitution arrangements to apply to these members.

RECOMMENDATION: That the Discretionary Housing Payments Review Board be re-established for the municipal year without amendment to its terms of reference; and no substitution arrangements be permitted other than those already detailed in the composition.

2.3.4 **ICT Councillor Working Group** (Working Group to report directly to the Cabinet)

COMPOSITION: 7 Councillors comprising the Portfolio Holder with responsibility for ICT, together with 6 other members based on cross party member involvement. The political group regulations do not apply.

TERMS OF REFERENCE: (No executive powers.) To provide a wider more strategic remit with the following scope:

- The Role of ICT in the organisation;
- New technology – strategic positioning;
- ICT support – general performance, not individual problems;
- Progress with larger projects; and
- ICT Security and Governance.

SUBSTITUTIONS: Substitution arrangements apply (including for the Portfolio Holder with responsibility for ICT) where members form part of a political group subject to (i) substitutions applying for individual meetings only and (ii) the group leader or nominated representative submitting details to the Democratic Services and Legal Manager by noon on the day of the meeting, or at least 3 hours before the meeting, whichever is the sooner.

RECOMMENDATION: That the ICT Councillor Working Group be re-established for the municipal year without amendment to the terms of reference as detailed above; that substitution arrangements apply (including for the Portfolio Holder with responsibility for ICT) where members form part of a political group subject to (i) substitutions applying for individual meetings only and (ii) the group leader or nominated representative submitting details to the Democratic Services and Legal Manager by noon on the day of the meeting, or at least 3 hours before the meeting, whichever is the sooner.

(If the above recommendation is accepted the membership of the Working Party will be approved at the Cabinet meeting on 16 June 2015.)

3.0 **OPTIONS**

3.1 Not to approve the recommendations.

3.2 To approve the recommendations with amendments.

3.3 To approve the recommendations with no amendments.

4.0 **REASONS FOR RECOMMENDATIONS**

4.1 The Panel and Working Groups recommended for re-appointment have a future role to perform in advising the Cabinet or making decisions under delegated authority.

5.0 **EXPECTED BENEFITS**

5.1 By considering the recommendations of Council with regard to whether or not to re-establish the Panels and Working Parties, the Cabinet is ensuring that the groups are relevant and necessary to effectively undertake the Council's business, therefore ensuring an appropriate use of the Council's resources.

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

5.1.1 Travelling to and from meetings is considered to have a low impact.

5.2 **Constitution & Legal**

5.2.1 If the Terms of Reference to any Panels or Working Parties are amended, the Constitution will need to be updated accordingly.

5.3 **Contracts**

5.3.1 It is the opinion of the Report Author that there are no implications.

5.4 **Corporate Priorities**

5.4.1 It is the opinion of the Report Author that there are no implications.

5.5 **Crime and Disorder**

5.5.1 It is the opinion of the Report Author that there are no implications.

5.6 Equality and Diversity / Human Rights

5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 Financial

5.7.1 It is not possible to identify the cost implications of appointing Panels and Working Parties. However, every meeting requires the preparation of reports and agendas which does of course have cost implications. Travel/subsistence allowances and carer's allowances are also payable to councillors under the Council's Scheme for Payment of Members' Allowances, set out at Part 6 of the Constitution. There is no specific budget allocated for expenditure arising from working parties and panels.

5.8 Health & Wellbeing

5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 Risk Management

5.9.1 It is the opinion of the Report Author that there are no implications.

5.10 Staffing

5.10.1 Again, it is not possible to identify the staffing implications of appointing Panels and Working Parties. However, every meeting must be serviced by officers which does have staffing implications.

5.11 Stakeholders / Consultation / Timescales

5.11.1 It is the opinion of the Report Author that there are no implications.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 No wards are directly affected by this report.

7.0 ACRONYMS

7.1 None.

Background papers:- None

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Key Decision: No

Exempt Decision: No

This report refers to a Discretionary Service

Appendices attached to this report:

None