

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	AUDIT AND STANDARDS COMMITTEE	26 NOVEMBER 2020	12
<b>CONSTITUTION AMENDMENT – TERMS OF REFERENCE - COMMITTEES</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

In line with its constitutional role to review and recommend amendments to Council, the Committee is asked to consider amendments to the terms of reference of several committees.

These amendments are the first substantial amendments since the committee system was put in place in May 2015.

### RECOMMENDATIONS

1. To recommend the proposed amendments to the terms of reference of the committees (Part 2 and Part 3 of the Council's Constitution – Responsibility for Functions), as they appear at Appendix A, to Council.

### SUMMARY OF PREVIOUS DECISIONS

19 January 2017 – “To add the following wording to the constitution under the remit of the Operational Management Committee; “Considering reports, reviewing and formulating where necessary policies relating to building control and land charges”

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	

### REPORT

1. At Council in July 2020, a number of changes were made to the membership of the Council's committees, including newly appointed Chairman.
2. Since July a number of senior councillors, including the newly appointed Chairmen, have had a stocktake of the programme committees' terms of reference.
3. A number of suggested amendments are put before Audit and Standards Committee for consideration.

4. These suggested amendments represent the first substantial changes to the terms of reference for the programme committees since their inception in 2015.

#### **Finance and Democracy Committee**

5. Finance and Democracy Committee currently has responsibility for the Revenues and Benefits Service. The service works extremely closely with the Customer Services team but the responsibility for the oversight of Customer Services currently sits with Operational Management together with ICT and the website. Similarly public communications and communications rest with Finance and Democracy but ICT and the website are inextricably linked to this.
6. It is therefore suggested that oversight of Customer Services, ICT and the website all sit within the terms of reference for the Finance and Democracy Committee.

#### **Operational Management**

7. The Operational Management Committee has responsibility for much of the Council's operational areas of activity such as car parking, footway lighting and bus shelters. Given that the cemetery and crematorium is one of the council's largest assets, it would appear that its overview would have more synergy in being under the remit of Operational Management rather than Environment, Health and Housing Committee.
8. It is therefore suggested that this area of activity sits within the terms of reference for Operational Management Committee.

#### **Environment, Health and Housing Committee.**

9. As a result of an internal audit, it has been identified that safeguarding should also sit within the remit of one of the programme committees and it is felt that the most appropriate place for this would be under the remit of the Environment, Health and Housing Committee.
10. A tracked changed version of the terms of reference is attached at Appendix A to assist members.

#### **Planning Committee**

11. The Environmental Health and Housing Committee has responsibility for all housing functions. However, the Planning Committee is responsible for the functions of the Council as the Local Planning Authority. It also formulates the relevant parts of the Development Plan (Local Plans). This work overlaps with the strategic planning required to forecast and plan for housing needs and growth within the context of the council as local planning authority.
12. As a result, it is proposed that strategic housing and the oversight of the provision of social housing (including s.106 agreements) should sit within the remit of the Planning Committee rather than Environment, Health and Housing Committee.

IMPLICATIONS	
Finance	No implications arising from this report
Legal	No implications arising from this report
Community Safety	No implications arising from this report
Human Rights and Equalities	No implications arising from this report
Sustainability and Environmental Impact	No implications arising from this report
Health & Safety and Risk Management	No implications arising from this report

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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Constitution	2015	<a href="https://fylde.cmis.uk.com/fylde/ConstitutionGovernanceMatters.aspx">https://fylde.cmis.uk.com/fylde/ConstitutionGovernanceMatters.aspx</a>

Attached documents

Appendix A – tracked changes of terms of reference (To follow)

Appendix A - Tracked changes to Programme Committee Terms of Reference

## SECTION 2

### Regulatory Committees

Council Functions which the Council has delegated to a Committee of the Council under Section 101 of the Local Government Act 1972

#### PLANNING COMMITTEE

1. The functions of the Council as Local Planning Authority and any planning control functions which, by virtue of agency arrangements between the County Council and the Borough Council, the Borough Council is authorised to discharge.
2. Determining applications for planning permission; for consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007~~1992~~; for listed building consent; determining whether planning permission is required (including permitted development and prior notification; certificates of appropriate alternative development; matters relating to the Building Regulations 1991, the Building Act 1984, and the Building (Local Authority Charges) Regulations 1998; all matters relating to Tree Preservation and development proposals under Department of Environment circular 18/84 or any amendment thereto.
3. Taking appropriate action in respect of dangerous dilapidated or ruinous buildings or structures seriously detrimental to the amenities of the neighbourhood; and land in such condition as to be injurious/detrimental to amenities.
- ~~3-4.~~ To formulate and consider Strategic Housing policies/matters and the oversight of the provision of socialaffordble housing (including affordable housing delivered through-s.106 agreements).
- ~~4-5.~~ To consider Development Management policies.
- ~~5-6.~~ To formulate and oversee the relevant parts of the Local-Development Plan-Framework (Local Plans and neighbourhood development plans).
- ~~6-7.~~ Considering reports, reviewing, and formulating where necessary policies relating to Economic Development and associated matters.
- ~~7-8.~~ Considering reports, reviewing, and formulating where necessary policies relating to Regeneration.
- ~~8-9.~~ To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit.
- ~~9-10.~~ To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference.

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## SECTION 3

### Programme Committees

The Council has four programme committees.

#### Terms of Reference

The committees are the Tourism and Leisure Committee, the Operational Management Committee, the Environment, Health and Housing Committee and the Finance and Democracy Committee. The Environment, Health and Housing Committee is the crime and disorder committee for the purposes of the Police and Justice Act 2006. Subject to any matters reserved to the council by law or by any other part of this constitution, each programme committee has full delegated authority to take decisions on matters falling within its work area. The work areas of the committees are as follows:

#### (a) Tourism and Leisure Committee

1. To consider and scrutinise reports relating to performance of services under the remit of the committee
2. To consider and scrutinise periodic revenue and capital –budget monitoring reports on areas under the committee’s remit
3. Considering reports, reviewing, and formulating where necessary, policies relating to leisure management and community development
4. Considering reports, reviewing, and formulating where necessary policies in relation to recreation including parks and open spaces development and grounds maintenance in relation to areas under the jurisdiction of the council
5. Considering reports, reviewing, and formulating where necessary policies relating to arts, culture and heritage
6. Considering reports, reviewing, and formulating where necessary policies relating to sand dunes management
7. Considering reports, reviewing, and formulating where necessary, policies relating to tourism and events promotion
8. Considering reports, reviewing, and formulating where necessary policies relating to beach management
9. To review, and formulate where necessary, policies relating to coast and countryside
10. To deal with issues arising in relation to the Trust set up to manage Lowther Pavilion and Gardens
11. To consider swimming provision and deal with partnership issues arising in relation to the operation of swimming pools

## PART 3 – RESPONSIBILITY FOR FUNCTIONS

12. To keep under review income generating activity and subsequent contractual arrangements with respect to parks and open spaces
13. To consider any management issues arising in relation to land or property within the remit of the committee
- ~~14. To keep the Council's sports development programme under review~~
- ~~15-14.~~ To interface with partners involved in the work of the committee as necessary
- ~~16-15.~~ To establish any Working Group to consider, and make recommendations, on ~~any~~ issues within the remit of the committee's terms of reference

### (b) Operational Management Committee

1. To consider and scrutinise reports relating to performance of services under the remit of the committee
2. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit
3. To keep under review arrangements regarding depot arrangements with respect to operational services and consider issues relating to the Council's Vehicle Replacement Programme
4. Considering reports, reviewing, and formulating where necessary policies relating to waste management and recycling
5. Considering reports, reviewing, and formulating where necessary policies relating to public toilet provision
6. Considering reports, reviewing, and formulating where necessary policies relating to amenity cleaning
7. Considering reports, reviewing, and formulating where necessary policies relating to car parking
- ~~8. Considering reports, reviewing, and formulating where necessary policies relating to customer access, ICT and website~~
9. Considering reports, reviewing, and formulating where necessary policies relating to coastal defences
10. Considering reports, reviewing, and formulating where necessary policies relating to dog Control
11. Considering reports, reviewing, and formulating where necessary policies relating to Emergency Planning
12. Considering reports, reviewing and formulating where necessary policies relating to building control and land charges
13. To consider and review provision in relation to footway lighting and bus shelters
- ~~14. Considering reports, reviewing, and formulating where necessary -policies relating to cemetery and crematorium~~
- ~~15-14.~~ To consider any management issues arising in relation to land or property within the remit of the committee
- ~~165.~~ To interface with partners involved in the work of the committee as necessary
- ~~176.~~ To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference
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## PART 3 – RESPONSIBILITY FOR FUNCTIONS

### (c) Environment, Health and Housing Committee

1. To act as the crime and disorder committee for the purposes of the Police and Justice Act 2006
2. To make reports or recommendations to the council or any committee with respect to any matter which is a local crime and disorder matter in relation to a councillor
3. To consider and scrutinise reports relating to performance of services under the remit of the committee
4. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit
5. Considering reports, reviewing, and formulating where necessary, policies relating to ~~housing~~, homelessness and housing advice
6. To consider any matters arising in relation to health development and promotion ~~together with weight management including matters relating to the Health and Wellbeing Board~~
7. To keep under review matters relating to disabled facilities grants, housing standards and energy efficiency
8. Considering reports, reviewing, and formulating where necessary ~~–~~ policies relating to community safety including CCTV provision
9. To fulfil the statutory overview and scrutiny role in terms of the ~~–~~Crime and Disorder Reduction Partnership
10. Considering reports, reviewing, and formulating where necessary policies relating to environmental health, protection and sustainability
- ~~11. Considering reports, reviewing, and formulating where necessary policies relating to cemetery and crematorium~~
- ~~12-11.~~ Considering reports, reviewing, and formulating where necessary policies relating to Fylde Coast Bathing Waters
- ~~13-12.~~ Considering reports, reviewing, and formulating where necessary ~~–~~, policies relating to Food hygiene
- ~~14-13.~~ Considering reports, reviewing, and formulating where necessary ~~–~~, policies relating to Pest Control
- ~~15-14.~~ Considering reports, reviewing, and formulating where necessary, policies relating to the ~~Children's Trust~~, Working Together for Families partnership and the Health and Well-Being Partnerships
15. To receive reports from partners who receive community grants from the council and to interface with partners involved in the work of the Committee including Fylde CAB, Age Concern, Care and Repair and Face to Face
- ~~To keep the Council's sports development programme under review~~
16. ~~To consider matters relating to Safeguarding~~
17. To establish any Working Group to consider, and make recommendations, on ~~–~~any issues within the remit of the committee's terms of reference

### (d) Finance and Democracy Committee

**Comment [PW2]:** Tracy, Sports Development defiantly sits with Tourism and Leisure Committee. The work that Ian Brookes is doing on weight management is already covered by EH&H comm under number 6 above 6. To consider any matters arising in relation to health development and promotion including matters relating to the Health and Wellbeing Board I suggest this line is deleted



### PART 3 – RESPONSIBILITY FOR FUNCTIONS

1. To consider and scrutinise reports relating to performance of services under the remit of the committee
2. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit
3. To lead the budget setting process, in consultation with the other programme committees, and to put forward a draft budget package to the Council for approval
4. To consider Medium Term Financial Strategy updates and provide guidance and commentary to other committees as necessary
5. To consider the Financial Outturn report of the Council annually
6. To consider reports from the Head of Revenues and Exchequer Services (Shared Service) and Head of Benefits and Customer Services (Shared Service) as necessary in relation to revenues and benefits service related matters including debt write offs
- ~~6-7.~~ **Considering reports, reviewing, and formulating where necessary policies relating to customer access, ICT and website**
- ~~7-8.~~ To keep under review the Council tax reduction scheme and make recommendations to the Council on the same
- ~~8-9.~~ To review the Pay Policy annually and make recommendations to the Council on the same
- ~~9-10.~~ To consider any matters arising in relation to Strategic Procurement
- ~~10-11.~~ To keep under review matters relating to the Council's Community projects fund
- ~~11-12.~~ To consider any matters arising in relation to the mayoralty, civic functions and civic ceremonial
- ~~12-13.~~ To monitor and evaluate progress towards achieving the objectives by the council within the Corporate Plan
- ~~13-14.~~ Considering reports, reviewing, and formulating where necessary- policies relating to public relations and communications
15. To manage any land and property owned by the council and not specifically held for the purposes of another committee
- ~~14-16.~~ **To consider any matters in relation to the Lytham Institute in line with Charity Commission guidance**
- ~~15-17.~~ To consider any community assets nominations
- ~~16-18.~~ All of the Council's functions relating to elections
- ~~17-19.~~ To interface with partners involved in the work of the committee as necessary
20. To establish any Working Group to consider, and make recommendations, on -any issues within the remit of the committee's terms of reference

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