

# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	20 MAY 2015	8

## CONFIRMATION OF COMMITTEES AND ALLOCATION OF MEMBERSHIP

### PUBLIC ITEM

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

### SUMMARY

The council is required to confirm the committees that it wishes to appoint at its Annual Meeting in a year when there are council elections. It must also allocate the membership of those certain committees in accordance with the principles of political balance under the Local Government and Housing Act 1989.

Members are also asked to appoint members of the Member Development Steering Group.

### RECOMMENDATIONS

1. Appoint the committees set out in the appendix for the municipal year 2015-16, with the terms of reference set out against each committee.
2. Allocate committee seats in accordance with the principles of political balance as set out in the table in paragraph 6.
3. Invite the political groups (if they have not already done so) to submit their nominations to the seats allocated to them in accordance with the Local Government and Housing Act 1989 and regulations made under it.
4. (If nominations have been received from the political groups) Appoint members to seats on committees required to be politically balanced in accordance with the nominations made by the political groups, and appoint Mr Ronald Ellwood and Mr Brian Horrocks as co-opted members of the Chief Officer Employment Committee.
5. Appoint members to the Licensing Committee, which is not required to be politically balanced.
6. Appoint chairmen and vice-chairman to all committees.
7. Appoint eight members to the Member Development Steering Group, and appoint a chairman and vice-chairman to the group.

### SUMMARY OF PREVIOUS DECISIONS

The council receives a similar report each year at the meeting preceding its annual meeting. In an election year, the report must be presented to the annual meeting.

## REPORT

### POLITICALLY BALANCED COMMITTEES

1. Under its constitution, the council is required at its annual meeting in an election year to decide which committees to establish for the municipal year; decide the size and terms of reference for those committees; and decide the allocation of seats on those committees to political groups in accordance with the political balance rules where applicable.
2. The appendix sets out the committees which the council is obliged to appoint following the governance referendum which was held in 2014, with their terms of reference. The size of each committee is as put forward by the majority political group following the May 2015 elections. The council is invited to appoint those committees as its committees for the municipal year 2015-16 with the terms of reference and size as set out.
3. The Local Government and Housing Act 1989 requires the council to calculate the membership of committees in accordance with the requirements of political balance set out in the act. The act also requires that the council give effect to those calculations by allocating seats in accordance with the wishes of the political groups<sup>1</sup> to whom the seats have been allocated<sup>2</sup>. The four principles of political balance can be summarised like this:
  - All seats on a committee must not be allocated to the same group;
  - The majority group must have the majority of seats on each committee;
  - The total number of committee seats across the council must be allocated proportionately to the number of seats each group has on the full council; and
  - The seats on each committee must be allocated in proportion to the number of seats of each group on the full council.
4. The four principles are in order of priority. This means that the second principle is applied subject to the first. Similarly, the third principle is applied subject to the first and the second, and so on.
5. Under recent legislative changes<sup>3</sup>, the council must appoint at least two co-opted members to its Chief Officer Employment Committee. The co-opted members must be drawn from the independent persons appointed as part of the member standards machinery under the Localism Act 2011. The council is therefore invited to appoint Mr Ronald Ellwood and Mr Brian Horrocks as co-opted members of the Chief Officer Employment Committee in addition to other members.
6. The table below sets out a distribution of seats across committees that fulfils the requirement for political balance. Committees that are not required to be politically balanced are not included.

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<sup>1</sup> A political group must have at least two members to count for the purposes of the 1989 act.

<sup>2</sup> Where a seat is allocated in accordance with the political balance principles to members who do not belong to a political group, the choice of non-group member to fill the seat rests with the council.

<sup>3</sup> See paragraphs 5-6 of schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001. The provisions set out criteria for deciding which independent persons to appoint. An independent person who is a local government elector for Fylde must be preferred to one who is not.

Committee	Total seats	Con	Ind	Lib Dem	Others
Finance and Democracy	12	7	3	1	1
Environment, Health and Housing	12	7	3	1	1
Operational Management	12	8	4	0	0
Tourism and Leisure	12	8	3	0	1
Development Management	12	7	3	1	1
Public Protection	11	7	3	0	1
Audit and Standards	9	6	3	0	0
Chief Officers Employment	6	4	2	0	0

The table above is a permutation that would meet the requirements for political balance. It is not the only possible permutation which would meet the requirements for political balance.

7. If all of the political groups are able to nominate the individual members they wish to fulfil their allocations on each committee, the council can make those individual appointments at today's meeting. It is obliged to follow the nominations of each group to seats allocated to that group.<sup>4</sup>
8. If appointments to committees are made at today's meeting, members are also invited to appoint a chairman and vice-chairman to each committee.

#### LICENSING COMMITTEE

9. The Licensing Committee is not subject to the political balance rules. It is concerned exclusively with carrying out the council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005. The committee has a membership of **15** and the council is invited to appoint that number of members to the committee, including appointments as chairman and vice-chairman.

#### MEMBER DEVELOPMENT STEERING GROUP

10. The Member Development Steering Group is not a committee, but it is convenient to deal with appointments to it in this report. The group is an internal working group and its functions are

<sup>4</sup> If not all of the political groups are yet able to nominate individual members to the seats allocated to the group, the council would need to resolve to allocate the seats to the political groups and to invite the groups to nominate individual members to the seats allocated to each group. The committees could not meet until the appointments were confirmed at a council meeting.

leading, co-ordinating and monitoring the Council's actions in delivering the Member Development Strategy. The membership of the group is cross party. Its main purpose is to ensure that elected members are fully engaged in the formulation, monitoring and evaluation of member development programmes. It will oversee all councillor training and development on behalf of the council.

11. The group has a membership of **8** and the council is invited to appoint that number of members to the group, including appointments as chairman and vice-chairman.

IMPLICATIONS	
Finance	None arising from the report.
Legal	Political balance is a legal requirement for most committees of the council.
Community Safety	None arising from the report.
Human Rights and Equalities	None arising from the report.
Sustainability and Environmental Impact	None arising from the report.
Health & Safety and Risk Management	None arising from the report.

REPORT AUTHOR	TEL	DATE	DOC ID
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LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Attached documents

1. List of committees with terms of reference

## **Terms of Reference**

### **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
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. To interface with partners involved in the work of the committee as necessary
16. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference

### **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. To consider and review provision in relation to footway lighting and bus shelters
13. To consider any management issues arising in relation to land or property within the remit of the committee
14. To interface with partners involved in the work of the committee as necessary
15. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference

#### **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 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. Considering reports, reviewing, and formulating where necessary policies relating to Fylde Coast Bathing Waters
13. Considering reports, reviewing, and formulating where necessary , policies relating to Food hygiene
14. Considering reports, reviewing, and formulating where necessary , policies relating to Pest Control
15. 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
16. 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
17. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference

#### **Finance and Democracy 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 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 the Shared Service as necessary in relation to revenues and benefits service related matters including debt write offs
7. To keep under review the Council tax reduction scheme and make recommendations to the Council on the same
8. To review the Pay Policy annually and make recommendations to the Council on the same
9. To consider any matters arising in relation to Strategic Procurement
10. To keep under review matters relating to the Council's Community projects fund

11. To consider any matters arising in relation to the mayoralty, civic functions and civic ceremonial
12. To monitor and evaluate progress towards achieving the objectives by the council within the Corporate Plan
13. Considering reports, reviewing, and formulating where necessary policies relating to public relations and communications
14. To manage any land and property owned by the council and not specifically held for the purposes of another committee
15. To consider any community assets nominations
16. All of the Council's functions relating to elections
17. To interface with partners involved in the work of the committee as necessary
18. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference

### **Development Management 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) Regulations 1992; for listed building consent; determining whether planning permission is required; 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.

### **Development Management Committee (Policy)**

1. To consider Development Management policies.
2. To formulate the relevant parts of the Local Development Framework (Local Plans)
3. Considering reports, reviewing, and formulating where necessary policies relating to Economic Development and associated matters
4. Considering reports, reviewing, and formulating where necessary policies relating to Regeneration
5. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit
6. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference

### **Public Protection Committee**

1. Hearing and determining any appeal made by a council employee, as permitted by the appropriate procedure, in respect of (i) disciplinary action taken against him or her (ii) the grading of his or her post or (iii) any grievance raised by him or her.



Exercising the council's functions in respect of the following:

2. Power to issue licences authorising the use of land as a caravan site ("site licences") under Section 3(3) of the Caravan Sites and Control of Development Act 1960.
3. Power to alter conditions attached to site licences under Section 8 of the Caravan Sites and Control of Development Act 1960.
4. Power to license the use of moveable dwellings and camping sites under Section 269(1) of the Public Health Act 1936.
5. Power to license hackney carriages and private hire vehicles under (a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; and (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to license drivers of hackney carriages and private hire vehicles under sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Power to license operators of hackney carriages and private hire vehicles under Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
8. Power to license sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
9. Power to license performances of hypnotism under the Hypnotism Act 1952.
10. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis under sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
11. Power to license pleasure boats and pleasure vessels under Section 94 of the Public Health Acts Amendment Act 1907.
12. Power to license market and street trading under part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
13. Power to license dealers in game and the killing and selling of game under sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.
14. Power of register and license premises for the preparation of food under section 19 of the Food Safety Act 1990.
15. Power to license scrap metal dealers under section 1 of the Scrap Metal Dealers Act 2013.
16. Power to license premises for the breeding of dogs under section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
17. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under section 1 of the Pet Animals Act 195; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments

- Act 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
18. Power to license zoos under section 1 of the Zoo Licensing Act 1981.
  19. Power to license dangerous wild animals under section 1 of the Dangerous Wild Animals Act 1976.
  20. Power to license knackers' yards under section 4 of the Slaughterhouses Act 1974 and the Animal By-Products Order 1999.
  21. Power to license persons to collect for charitable and other causes under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.
  22. Power to grant consent for the operation of a loudspeaker under schedule 2 to the Noise and Statutory Nuisance Act 1993.
  23. Power to sanction use of parts of buildings for storage of celluloid under Section 1 of the Celluloid and Cinematograph Film Act 1922.
  24. Power to approve meat product premises under regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.
  25. Power to approve premises for the production of minced meat or meat preparations under regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995.
  26. Power to approve dairy establishments under regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.
  27. Power to approve egg product establishments under regulation 5 of the Egg Products Regulations 1993.
  28. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods under schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995.
  29. Power to approve fish products premises under Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
  30. Power to approve dispatch or purification centre under regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
  31. Power to register fishing vessels on board which shrimps or molluscs are cooked under regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
  32. Power to approve factory vessels and fishery product establishments under regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
  33. Power to register auction and wholesale markets under regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
  34. Duty to keep register of food business premises under Regulation 5 of the Food Premises (Registration) Regulations 1991.
  35. Power to register food business premises under regulation 9 of the Food Premises

(Registration) Regulations 1991.

36. Power to register premises or stalls for the sale of goods by way of competitive bidding
37. Closing orders with respect to take-away food shops under section 4 of the Local Government (Miscellaneous Provisions) Act 1982.
38. Power to grant permission to use an object or structure in, on or over a highway for the provision of services or amenities, recreation or refreshment facilities or for purposes which will result in the production of income, for a centre for advice or information or for advertising under section 115E of the Highways Act 1980.

### **Licensing Committee**

1. All licensing functions under the Licensing Act 2003 (other than the functions conferred by section 5 of the act).
2. All functions of a licensing authority under part 8 of the Gambling Act 2005 except those that by virtue of section 154 cannot be delegated.

### **Chief Officers Employment Committee**

1. The appointment of:
  - (i) The Officer designated as the Head of the Authority's Paid Service;
  - (ii) A statutory Chief Officer within the meaning of Section 2(6) of the Local Government and Housing Act 1989; and
  - (iii) A non-statutory Chief Officer
2. The dismissal of, or disciplinary action against, any Officer referred to in paragraph (i) to (iii) above.

### **Audit and Standards Committee**

The committee's activities and areas of responsibility are as follows:

- (a) **Audit Activity**
  - (i) Considering the Chief Internal Auditor's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
  - (ii) Approving (but not directing) internal audit's strategy, plan and performance.
  - (iii) Considering summaries of specific internal audit reports as requested.
  - (iv) Considering reports dealing with the management and performance of internal audit.
  - (v) Considering a report from the Chief Internal Auditor on agreed recommendations not implemented within a reasonable timescale.
  - (vi) Considering the external auditor's annual letter, relevant reports and the report to those charged with governance.

- (vii) Considering specific reports as agreed with the external auditor.
- (viii) Commenting on the scope and depth of external audit work and ensuring it gives value for money.
- (ix) Under current legislation to appoint the council's external auditor.
- (x) Commissioning work from internal and external audit.
- (xi) Ensuring that there are effective relationships between external and internal audit, inspection agencies and relevant bodies, and that the value of the audit process is actively promoted.

(b) **Regulatory framework**

- (i) Maintaining an overview of the council's constitution in particular the Contracts Procedure Rules, Financial Regulations and Codes of Conduct.
- (ii) Advising the Council on changes to the Constitution.
- (iii) Reviewing any issue referred to it by the Chief Executive or a Director, or any council body.
- (iv) Monitoring the effective development and operation of risk management and corporate governance within the Council.
- (v) Ensuring that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it
- (vi) Monitoring council policies on Whistleblowing and the Anti-Fraud and Corruption Policy and Strategy and the council's complaint process.
- (vii) Overseeing the council's arrangements for corporate governance and agreeing necessary action to ensure compliance with best practice.
- (viii) Considering the council's compliance with its own and other published standards and controls
- (ix) Ensuring effective scrutiny of the treasury management strategy and policies.

(c) **Accounts**

- (i) Reviewing and approving the Annual Statement of Accounts. Specifically, considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (ii) Considering external audit's report to those charged with governance on issues arising from the audit of accounts.

(d) **Standards**

- (i) To assist the Council in fulfilling its duty under the Localism Act 2011 to promote and maintain high standards of conduct by members.
- (ii) To monitor and advise the Council about the adoption, revision and operation of its Code of Conduct in the light of best practice and any changes in the law.

- (iii) To keep under review the arrangements for dealing with allegations that a member of the Council or a member of a town or parish council within the Council's district has failed to comply with the relevant Code of Conduct.
- (iv) To determine whether a member for the Council or a member of a town or parish council within its district has failed to comply with the relevant Code of Conduct.
- (v) Where it finds that a failure to comply with the Code of Conduct has occurred, to determine what action, if any, to take.
- (vi) To assist the Council with the appointment of an Independent Person(s) as required by the Localism Act 2011.
- (vii) To determine any request for a dispensation under Section 33 of the Localism Act 2011.
- (viii) To advise the Council on, and review as necessary, any local Protocols regulating the conduct of Members and to deal with allegations of breach of any such Protocol.
- (ix) To consider reports referred by the Monitoring Officer.
- (x) To respond on behalf of the Council to national reviews and consultations on standards related issues.
- (xi) To consider and make recommendations to the Council on any other matter that may be referred to the Committee relating to the conduct of Members within the Authority.

(d) **Procedures**

The Committee will

- (i) meet a minimum of four times per year, (timetable to be agreed);
- (ii) receive reports from the Chief Internal Auditor who may report directly to the Chairman of the Committee if deemed necessary; and
- (iii) meet the external auditor and Chief Internal Auditor in private if deemed necessary; and
- (iv) have the authority to request the attendance of any elected Member or Officer of the Authority.