

STANDARDS COMMITTEE – 14 JULY 2009

THE ROLE OF COUNCIL COMMITTEES

Report of the: **CORPORATE RESOURCES DIRECTOR**

Status: **For Information**

Portfolio Holder **Cllr. Elaine Bracken**

Head of Service Mrs. Christine Nuttall – Head of Legal and Democratic Services

Recommendation: It be RESOLVED that the report be noted

Background

- 1 At their last meeting, members of the Standards Committee asked for a report to be provided on the role of the other Council Committees.

Introduction

- 2 This report gives a brief description of the work of the other Council Committees.

Cabinet

- 3 The Cabinet and its members are responsible for taking most of the Council's decisions. The Cabinet consists of eight portfolio holders, who each have responsibility for different "executive functions" across the Council (see Appendix A). The Cabinet is prevented by law from exercising non-executive functions (examples are matters such as development control, licensing and standards). The Cabinet must also operate within the budgetary and policy framework set for it by the Full Council.
- 4 The Cabinet collectively is responsible for taking the key decisions affecting the District. A key decision is one which is likely to result in expenditure or savings in excess of £50,000 or which is likely to be significant in terms of its effects on people living in two or more wards. Individual portfolio holders are able to take decisions on executive functions within their areas of responsibility if these are not key decisions.
- 5 The Cabinet is appointed by the Leader of the Council, who Chairs Cabinet meetings. The Leader of the Council is appointed at the Annual Council Meeting in May each year.

Council

- 6 The Full Council consists of 54 elected members of the authority. It is responsible for setting the policy and budgetary framework (including setting the Council Tax in February each year), amending the Constitution, appointing Committees and their Memberships (in May each year), and appointing the Chairman, Vice-Chairman and Leader of the Council (in May each year).
- 7 Full Council meetings are also an opportunity for members to ask questions of the Leader, Cabinet Members or Committee Chairs. Members of the public can also ask questions and present petitions to the meeting. The meetings are formal in nature and follow strict rules of debate.

Select Committees

- 8 The Select Committees are responsible for scrutinising the work of the Cabinet, Council Departments and external partners. There are three Select Committees: Environment, Services and Social Affairs. Each Select Committee is responsible for different areas of the Council's business (see Appendix B).
- 9 Select Committees have a right of access to documents and can call-in "key decisions" taken by the Cabinet to scrutinise them before they take effect. However, the Select Committees cannot veto decisions taken by the Cabinet and cannot take any decisions themselves. Select Committees may make recommendations to the Cabinet and other partner organisations.

Performance and Governance Committee

- 10 The Performance and Governance Committee is responsible for reviewing the Council's performance, audit functions and regulatory framework. The Performance and Governance Committee also has responsibility for reviewing the annual statement of accounts and can approve the statutory statement of accounts if the timeline does not allow the Full Council to do so.

Development Control Committee

- 11 The Development Control Committee is responsible for the determination of any planning application, enforcement matter or tree preservation order that is not delegated to officers. This is a non-executive function that cannot be exercised by the Cabinet. However, the Cabinet is responsible for the formulation of planning policy.
- 12 The meetings are quasi-judicial in nature and follow a formal process. One objector and one supporter of each application are able to make representations to the Committee before it makes its decisions. The Committee often considers the views of the relevant Parish/ Town Council in reaching its decision.

Licensing Committee

- 13 The Licensing Committee has responsibility for all functions of the authority in relation to the Licensing Act 2003 and the Gambling Act 2005, except where these acts provide otherwise. It also has responsibility for taxi licensing and the licensing of sex establishments.
- 14 In practice, the majority of decisions are taken by the Licensing Sub-Committees. These are formed of three members of the Licensing Committee. The meetings are hearings to determine a number of matters relating to the licensing of individual premises under the Licensing Acts and the Gambling Act.
- 15 Licensing Sub-Committee meetings are quasi-judicial in nature and follow a formal process.

Other Committees

- 16 The Modern Local Government Group has responsibility for advising the Council on the Constitution and on Members' Allowances. The Electoral Arrangements Committee has responsibility for advising the Council on all electoral matters (including elections, size of wards, names and boundaries of wards etc). The Appointments Committee is responsible for the appointment of Directors and the Chief Executive.

Key Implications

Financial

- 17 None arising directly from this report.

Community Impact and Outcomes

- 18 The Councils' Cabinet and Committees are responsible for discussing and taking decisions on the big decisions affecting the local community. Wherever possible, the meetings are held in public and the agenda for these meetings are made available through the Council's website five clear days before meetings are held. As a result, local communities have the opportunity to engage with the decisions that affect them.

Legal, Human Rights etc.

- 19 The allocation of functions to the Council's Committees is in accordance with relevant legislation.

Risk Assessment Statement

- 20 None arising from this report.

Sources of Information: Council's Constitution

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