



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	14 MARCH 2019
REPORT OF THE:	CHIEF EXECUTIVE STACEY BURLET
TITLE OF REPORT:	TERMS OF REFERENCE FOR WORKING PARTIES AND SUB-COMMITTEES
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek approval of terms of reference for working parties and sub-committees of the Policy and Resources Committee.

2.0 RECOMMENDATION(S)

- 2.1 It is recommended that:

- (i) The terms of reference for working parties and sub-committees of the Policy and Resources Committee attached at Appendix 1 of this report be approved;
- (ii) The terms of reference be presented to Policy and Resources Committee at its first meeting each year, in June, for confirmation and approval when it appoints the membership;
- (iii) That any new working parties and sub-committees which the Policy and Resources Committee create have written terms of reference.

3.0 REASON FOR RECOMMENDATION(S)

- 3.1 To action the request of the Overview and Scrutiny Committee meeting on 4 October 2018 and confirm that working parties can only make recommendations, not decisions.
- 3.2 To provide consistency and clarity with regards to the roles of working parties and sub-committees, which should assist both Members and officers in carrying out their roles.
- 3.3 To provide flexibility for the Policy and Resources Committee to adjust the

membership of working parties and sub-committees as and when required to reflect changes in political proportionality, without the need to revisit the terms of reference.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks with making the changes proposed. Written terms of reference are an example of good practice and improve governance.
- 4.2 The current situation with no written terms of reference lacks clarity and thereby there is a risk of items of business being dealt with incorrectly or inefficiently.
- 4.3 If the terms of reference were too prescriptive around membership of working parties and sub-committees, there is the risk that the Policy and Resources Committee could not respond flexibly to changes in political proportionality and that the Council may not be compliant with its legal obligations under the Local Government & Housing Act 1989.
- 4.4 If the terms of reference were too prescriptive around arrangements for the calling of meetings, there is the risk that they may conflict with provisions within the Council's Constitution.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 This report is prompted by a request from the Overview and Scrutiny Committee and also takes account of other feedback received from both Members and officers. The Council's Solicitor, the Head of HR and the Chief Finance Officer (s151) have been consulted on this as part of work to review and improve governance.

REPORT

6.0 REPORT DETAILS

- 6.1 Early each municipal year, in June, the Policy and Resources Committee appoints working parties and sub-committees to support it in carrying out its business. Sub-committees have decision making powers, delegated by the Policy and Resources Committee, and are public meetings (except where it is agreed to move into exempt session), whilst working parties are advisory private meetings and can only make recommendations back to the Policy and Resources Committee for consideration. As these are discretionary bodies, which have to be appointed each year, there are no terms of reference included in the Constitution.
- 6.2 Following discussion of an item of business which had been considered at the Resources Working Party, the Overview and Scrutiny Committee at its meeting on 4 October 2018 requested officers draft terms of reference for the Working Party for consideration and approval by the Policy and Resources Committee.
- 6.3 To ensure a consistent approach to governance, officers considered that other working parties and sub-committees of the Policy and Resources Committee should also have written terms of reference. The clarity that terms of reference will provide regarding the roles of these meetings will be helpful to Members and to officers.
- 6.4 The proposed terms of reference for existing working parties and sub-committees are attached as Appendix 1.

- 6.5 The membership of sub-committees must be political proportional, under the Local Government & Housing Act 1989. If the terms of reference were too prescriptive regarding membership of these bodies, a situation may arise whereby they were not politically proportional, especially at times when proportionality changed, and therefore the Council would not be complying with legal requirements. The terms of reference have therefore been drafted to give the Policy and Resources Committee flexibility around the membership to ensure that this legal requirement can be complied with at all times.
- 6.6 The terms of reference do not include specific arrangements for the calling of meetings. Committee Procedure Rule 27 in the Council's Constitution makes provision for meetings to be called by the Chairmen of the Committee, the Chairman of Council and by requisition of one quarter of the Members of the body concerned, subject to a minimum of three Members. If the terms of reference included specific arrangements for the calling of meetings, there is a risk that they may conflict with constitutional provisions.
- 6.7 The terms of reference will be reviewed and confirmed each year, in June, when the Policy and Resources Committee appoints their membership. It is proposed that any new bodies created also have written terms of reference.
- 6.8 As the power to appoint its working parties and sub-committees sits with the Policy and Resources Committee and the proposed terms of reference do not form part of the Constitution, the recommendations made can be dealt with as a Part A item by the Committee, without the need for referral to Full Council.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
The Chief Finance Officer (s151) has been consulted. There are no financial implications.
 - b) Legal
The Council Solicitor has been consulted. The legal implications in relation to the Local Government & Housing Act 1989 are set out above.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
The Head of HR has been consulted. There are no staffing implications.

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Background Papers:
Minutes of the Overview & Scrutiny Committee on 4 October 2018.

Background Papers are available for inspection at:
www.ryedale.gov.uk