

Subject: Review of Committee Form of Governance and the Council's Constitution

Report to: Council - 21 February 2017

Report by: Robin Hodds, Corporate Governance Manager

RECOMMENDATIONS

On 23 January the constitutional working party met to review the Committee Form of Governance and the Council's Constitution and have subsequently made a number of recommendations for Council to approve :-

1) Size of Committees Recommendation

That no change be made to the numbers of Members on Committees as at present, with the exception that the Audit and Risk Committee should reduce from 9 Members to 5 Members.

2) Frequency of Meetings Recommendation

That the frequency of meetings remain on the present six weekly basis and that this issue be reviewed in six months time.

3) Number of Service Committees Recommendation

That the number of Service Committees remain at four, namely Policy and Resources, Economic Development, Environment and Housing and Neighbourhoods.

4) Timings of Meetings Recommendation

That the timings of meetings be amended so that all four Service Committees and regulatory Committees commence at 6pm with Full Council commencing at 7pm.

5) Venue of Meetings Recommendation

That the current arrangements for Committee meetings remain unchanged.

6) Terms of Reference of Service Committees Recommendation

That the current Terms of Reference for the Service Committees remain unchanged.

7) Pre Agenda Meetings (PAM's) Recommendation

That the relevant Chairman be asked to agree to fixed times for Pre Agenda Meetings.

8) Scheme of Delegation Recommendations

That the Scheme of Delegation for progressing Neighbourhood Plans be agreed

That the Scheme of Delegation be reviewed by the Constitutional Working

Party in a further six months time with support from the Council's legal Officer's.

9) Council Procedure Rules Recommendation

That a best practice protocol be included in the Constitution with regard to the issue of Members voting at Development Control and Licensing Committee meetings when they do not take part in a full discussion on any particular item, and that an appropriate paragraph be included on both Development Control and Licensing Committee agendas to advise Members on this issue.

That Key Decisions of Service Committees be considered at Council meetings rather than the full set of Service Committee minutes.

10) Training Requirements Recommendation

That approval be given to the establishment of a Member Development Group to consider an annual training programme for Members.

11) Outside Bodies Recommendation

That the Monitoring Officer undertake a programme of advising all Members of the responsibilities of being on an Outside Body.

That Group Leaders be requested to review Member allocations to Outside Bodies prior to consideration at the annual Council meeting.

12) Review of Constitution Recommendation

That approval be given to the amendments to the Council's Constitution as detailed in the attached Report.

13) Protocol for putting items on Committee agendas

That the Monitoring Officer prepare a protocol for inclusion in the Constitution.

1. BACKGROUND

- 1.1 On 23 January 2017 the Constitutional Working Party met to undertake a review of the recent governance changes, which moved Governance from a Cabinet form to a Committee form.
- 1.2 As part of this review Members of this party considered a detailed paper and on reviewing this paper made a number of recommendations for Council to consider. Appendix 1 shows a copy of the paper which was reviewed.

2. RECOMMENDATIONS

- 2.1 On reviewing this paper the Constitutional Working Party have made a number of recommendations. Detailed minutes of this meeting are attached.
- 2.2 The following is a summary of the recommendations that have been made;

1) Size of Committees Recommendation

That no change be made to the numbers of Members on Committees as at present, with the exception that the Audit and Risk Committee should reduce from 9 Members to 5 Members.

2) Frequency of Meetings Recommendation

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That the relevant Chairman be asked to agree to fixed times for Pre Agenda Meetings.

8) Scheme of Delegation Recommendations

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That the Scheme of Delegation be reviewed by the Constitutional Working Party in a further six months time with support from the Council's legal Officer's.

9) Council Procedure Rules Recommendation

That a best practice protocol be included in the Constitution with regard to the issue of Members voting at Development Control and Licensing Committee meetings when they do not take part in a full discussion on any particular item,

and that an appropriate paragraph be included on both Development Control and Licensing Committee agendas to advise Members on this issue.

That Key Decisions of Service Committees be considered at Council meetings rather than the full set of Service Committee minutes.

10) Training Requirements Recommendation

That approval be given to the establishment of a Member Development Group to consider an annual training programme for Members.

11) Outside Bodies Recommendation

That the Monitoring Officer undertake a programme of advising all Members of the responsibilities of being on an Outside Body.

That Group Leaders be requested to review Member allocations to Outside Bodies prior to consideration at the annual Council meeting.

12) Review of Constitution Recommendation

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13) Protocol for putting items on Committee agendas

That the Monitoring Officer prepare a protocol for inclusion in the Constitution.

3. CONCLUSIONS

3.1 That Council considers these recommendations.

Area for consideration	Comment
Monitoring Officer Consultation:	The monitoring officer has been fully consulted and attended the constitutional working party meeting
Section 151 Officer Consultation:	N/A
Existing Council Policies:	The Council's Constitution has been reviewed
Financial Implications:	Some minimal savings if it is agreed for Committee meetings to be held at 6.00pm
Legal Implications (including human rights):	N/A
Risk Implications:	N/A
Equality Issues/EQIA assessment:	N/A
Crime & Disorder:	N/A

Every Child Matters:	N/A
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Subject: Review of Committee Form of Governance and Review of the Council's Constitution

Report to: Constitutional Working Party – 23 January 2017
Council – 21 February 2017

Report by: Corporate Governance Manager / Transformation Programme Manager / Deputy Monitoring Officer

SUBJECT MATTER/RECOMMENDATIONS

To review the Committee Form of Governance and Great Yarmouth Borough Council's Constitution.

1. INTRODUCTION

- 1.1 Council at its meeting on the 24 November 2015 agreed to change from a Cabinet Form of Governance to a Committee Form of Governance.
- 1.2 Council also agreed that a review of both the Committee Form of Governance and the Constitution should be the subject of review after six months. It was also agreed that the former Governance Committee should become the Constitutional Working Party and that this Working Party should consider the review of the Committee System and Constitution and make recommendations to the Policy and Resources Committee and to full Council. The new system commenced in mid May 2016 and the six months period ended in mid November.
- 1.3 This report examines and reviews the operation of the Committee system for the past six months and makes recommendations for Members consideration to improve the system's current operations.

2. REVIEW OF COMMITTEE SYSTEM

2.1 Current Arrangements

Details of the current Committee system are attached at Appendix A.

Members will note that Council agreed to establish four Service Committees

namely Policy and Resources, Economic Development, Environment and Housing and Neighbourhoods Committees, each having 13 Members meeting on a six weekly cycle.

Under the Committee system, the Regulatory Committees were also established and continue to operate as before.

Members will also note that the various Working Groups / Parties have continued under the Committee System.

2.2 Size of Committees

2.2.1. The four Service Committees currently have 13 Members, similarly, the Development Control and Licensing Committees each have 13 Members.

(1) Members are asked to consider whether having a third of all Council Members on a Committee is the right number, or whether the number of Members on these Committees could be reduced.

The table below provides an overview of the pro's and con's if Committee Membership was reduced:

Pro's	Con's
<ul style="list-style-type: none">• Length of debate on items could be reduced, resulting in shorter meetings• Reduced time spent at meetings will result in Members using their time for other commitments• Committee's will still be politically balanced	<ul style="list-style-type: none">• Less opinions from Members resulting in reduced debate.• Less knowledge available at meetings.• Minority parties would get less seats on Committees.• Reduced involvement in key issues possibly requiring more Working Groups

Recommendation – Members to consider the numbers of Members on Committee's and make recommendations as appropriate.
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2.3 Frequency of Meetings

2.3.1. The Service Committee's currently meet on a six weekly basis. Council meetings are held on an eight week cycle. (The exception to this is that the

Development Control Committee meets every 4 weeks to meet the requirements of dealing with planning applications within a statutory deadline).

2.3.2. A review of the number of meetings and also the number of items dealt with by the 4 Service Committees is shown on Appendix B.

2.3.3 Members will note from those details that over the past six months the average number of items dealt with by the Committees was as follows :-

- Policy and Resources – 11.2 Items
- Economic Development – 11.2 Items
- Environment – 8.8 Items
- Housing and Neighborhoods – 11.7 Items

(2) Matters for decision

- Policy and Resources – 34 Items – average 5.6 per meeting
- Economic Development – 26 Items – average 5.2 per meeting
- Environment – 14 Items – average 2.8 per meetings
- Housing and Neighbourhoods – 15 Items - average 3 per meetings

2.3.4. Due to the number of items being dealt with by the Committee's, Members need to be advised that Officers are currently finding it resource intensive to meet the required timescales to produce reports. Members should bear in mind that agendas must under the law, be sent out at least 5 working days prior to the date of the Committee's meeting. This effectively reduces the time Officers have to prepare and finalize reports.

2.3.5. Members are therefore asked to consider changing the Service Committee cycle of meetings from 6 weeks to 8 weeks which would provide Officers more time to produce better quality and accurate reports, and an 8 week cycle would provide a clearer decision making process so that reports that need to go to Council can be considered by Council who currently meets every 8 weeks.

Pro's	Con's
<ul style="list-style-type: none">• More time for Officers to prepare reports• Savings in staff / portering costs• Members/Officers spending less time in meetings• Would fit in with the current 8 week cycle of Council meetings• Could reduce the need for substituting members	<ul style="list-style-type: none">• Could result in the establishment of more Sub-Committee's / Working Parties• Agendas will contain more items, resulting in longer meetings• Slightly slower decision making process

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Recommendation – Members are asked to consider the cycle of Committee meetings and make recommendations as appropriate.

3.NUMBER OF SERVICE COMMITTEES

3.1 We currently have 4 Service Committee's, namely Policy and Resources, Economic Development, Environment and Housing and Neighbourhoods.

3.2 Members are asked to consider whether there is potential for the amalgamation of the roles and responsibilities of the Service Committee's into say 3 Committee's rather than the 4 as at present.

3.3 Officers currently find it unclear with some items as to which Committee they fall under in particular the differences between Housing and Neighbourhoods and Environment where there can be overlap with agenda items.

The pro's and cons of reducing the number of Service Committees include:-

Pro's	Con's
<ul style="list-style-type: none">• One less Committee to service• More Members available to sit on the remaining Committee's• Additional capacity in Committee timetable• Cost savings in portering and opening of the building• Based upon experience so far agenda's would be manageable• Greater knowledge and understanding of a wider range of issues if Committee Membership remained at the larger number of 13.	<ul style="list-style-type: none">• Additional Sub-Committees / Working Parties could be created• Remaining Committees would become less focused, due to range of issues to be considered.• Not enough time in meetings to fully consider issues.

Recommendation – Members to consider the issue of the number of Service Committees and make recommendations as appropriate.

4.TIMINGS OF MEETINGS

4.1 At present all 4 Service Committees commence at 6:30pm, with full Council commencing at 7pm.

4.2 The issue of having evening meetings to allow better attendance by the public is not borne out by the evidence of people attending meetings. Other than meetings of

the Development Control and Licensing Committees it is quite rare for Members of the public to attend Service Committee meetings, unless there is a specific controversial item on the agenda.

4.3 The information obtained from other Local Authorities in Norfolk shows that in almost all cases Committee Meetings are held during the daytime the only exception being is that there Council meetings meet in the evenings.

4.4 It has also been found that over the first 6 months of operation of the Committee System there has been quite a number of times when dates for committee meetings have been changed contrary to the Committee Timetable of Meetings. Most of these changes have been made at the request of the relevant Chair of the Committee.

4.5 By changing the timings of meetings of the 4 Service Committee's to daytime (either morning or afternoon) would bring about savings by a reduction in the cost of opening and heating the Town Hall, and also staff costs both in Member Services and the Portering staff.

Recommendation – That Members consider holding daytime meetings for Service Committees but the Development Control and Licensing Committee's continue to be evening meetings, and the Council meetings remain at 7pm

5. VENUE OF MEETINGS

5.1 In most cases, all meetings of the Service Committee's are held in the Supper Room. Council and Development Control Committee meetings are held in the Council Chamber.

Recommendation – That Members are asked to consider that the current arrangements for Committee meetings remain unchanged.

6. TERMS OF REFERENCE OF SERVICE COMMITTEE'S

6.1 Following the first 6 months of operation, Members are asked to consider whether the Terms of Reference for Council and each of the 4 Service Committees are fit for purpose.

6.2 Members may feel that these have worked well and therefore no amendments are required. The Terms of Reference for Council and the four Service Committee's are attached at Appendix C.

6.3 Officers have been unclear in some instances of where matters sit for decisions,

consideration should therefore be given to areas such as budget sign off.

Recommendation – Members are asked to consider whether Terms of Reference's need amending.

7. PRE-AGENDA MEETINGS (PAM's)

7.1 Members are asked to consider whether the PAM's are working effectively and if these provide the Chairs and Vice Chairs with the level of advice / information required at the pre-agenda setting stage (i.e too much or too little information).

7.2 Currently PAM's are left to the Chairs to formalise the times of the PAM meetings. This has resulted in relevant Officers sometimes struggling to attend these meetings.

Recommendation – To consider the operations of the PAM's and make recommendations as appropriate.

8. SCHEME OF DELEGATION

8.1 The Council's Scheme of Delegation is defined in the Council's Constitution and is attached at Appendix D

8.2 Members are asked to consider if they feel that the Delegation Scheme is working, or whether it needs amending.

8.3 In general, it is the Officers views that the Scheme of Delegation is working well, although Members may feel that this needs a longer term to settle into the new system and would be best reviewed by this Committee with support from the Council's legal Officers in a further six months.

8.4 The Working Party is also asked to agree the Scheme of Delegation for progressing Neighbourhood Plans as detailed in Appendix F, the report of the Principal Strategic Planner that was agreed by the Economic Development Committee on the 19 December 2016.

Recommendations

1. That the Scheme of Delegation for progressing Neighbourhood Plans be

agreed.

2. That the Scheme of Delegation be reviewed by the Constitutional Working Party in a further six months time with support from the Council's legal Officers.

9. COUNCIL PROCEDURE RULES

9.1 This part of the Constitution deals with the procedure rules for council meetings. The key role is that of the Mayor who is the chairman of the meeting.

The Mayor's role is to efficiently and effectively manage the meetings in accordance with standing orders and policies and adherence to the principles of public life:-

The Mayor is responsible for ensuring that all councillors are involved in debates and discussions, and that, as advised by officers, lawful and rational decisions are made. In the event of a tied vote, he or she has a second or casting vote so as to avoid deadlock.

In order to support the Mayor in his / her role members will appreciate that observance of rules of debate and deference and respect for the Mayor's role is critical. The council meeting is the public's window upon the workings of the Council and the rules should be observed or amended if they do not fit the Council's requirement for effective debate and discussion.

10. TRAINING REQUIREMENTS

10.1 It is proposed that a programme of Member Training and Development is prepared on an annual basis and is developed after working with members to identify training requirements.

Recommendation – To establish a Member Development Group to establish an annual training programme for members.

11. OUTSIDE BODIES

11.1 Members will recall that as part of the work undertaken to introduce a Committee Form of Governance, the Governance Committee undertook a complete review of the Outside Bodies, which resulted in a number of those being deleted.

11.2 Members are asked whether they feel that the revised list has worked, or whether any Outside Bodies should be added or deleted from the current list (current list attached Appendix E).

11.3 Members are asked to advise on whether it would be good practice to annually write to each Outside Body to determine if Great Yarmouth Borough Council nominated members are involved / attend / contribute to the working of the Outside Body.

11.4 It is recommended that it would be good practice for the Monitoring Officer to advise all Members of what their likely responsibilities and requirements will be in being a representative on an Outside Body.

Recommendation – Monitoring Officer to undertake a programme of advising all Members of the responsibilities of being on an Outside Body.

12. CAPACITY / RESOURCING ISSUES

12.1 Whilst the introduction of the Committee System of Governance has caused considerable amount of work within the Member Services Team it is felt that the staff have coped extremely well with the changes and have ensured that there has been a smooth transition from the Cabinet System to the Committee System.

12.2 Members will be aware that there have been some sickness and absence issues within the Team, but these have been managed and the Committee System has operated effectively within the resources available.

12.3 Members should be aware of the costs associated with servicing all the Committee's, Working Parties and PAM meetings by the Member Services Team. Any changes to the operation of the Committee System would likely have a significant impact on the ability of the team to provide the service that Member would require.

13. LESSONS LEARNT

13.1 Members may wish to discuss any other lessons that have been learnt from the change to a Committee System of Governance, and what, if any, actions should be pursued other than those already identified in this report.

14. REVIEW OF CONSTITUTION

14.1 Members are advised that the current Constitution (256 pages) has been re-proof read and a number of typos and spelling errors have been identified which will be amended in a revised version of the Constitution.

14.2 As part of the review of the Constitution, a discussion was held with the Council's Auditor's in respect of the Terms of Reference of the Audit and Risk Committee and as a result these have been amended and are shown at Appendix F.

14.3 Following discussions with the Group Manager (Growth) it is recommended

that Local Plan matters are more properly the concern of the Policy and Resources Committee that, as at present, the Economic Committee. This is because the Local Plan is intended to improve and integrate economic, social and environmental matters. Relevant report attached at Appendix G

14.4 It is also proposed to amend the Terms of Reference of the Joint Consultative Committee and these are attached for the Working Parties approval at Appendix H.

14.5 A number of amendments have been identified and these are detailed in appendix I. The Deputy Monitoring Officer from nplaw will report further on those amendments at the meeting.

14.6 Members will recall that Council has already agreed to revisions to the following in the Constitution:-

- a) Delegation Scheme for Property Matters
- b) Contract Standing Orders

These amendments, already agreed, will be incorporated into the revised Constitution.

14.7 Members will recall that Council at its meeting on the 17 January 2017 agreed to the Terms of Reference for the Employment Committee. These details will be included in the revised Constitution. These are attached at Appendix J.

Recommendation :- To agree the amendments to the Council's Constitution and to make other recommendations as appropriate.

16 January 2017

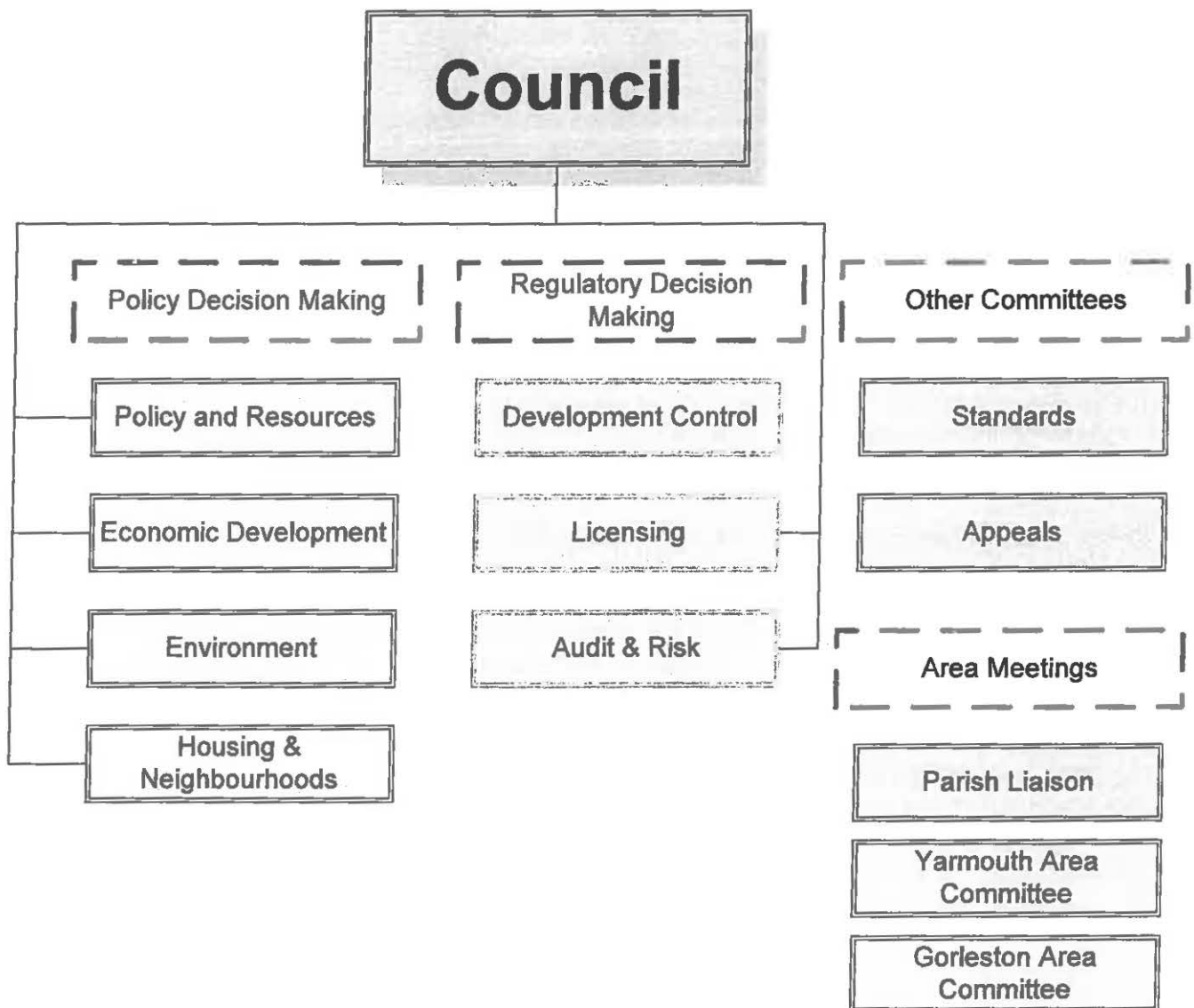
Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Yes
Section 151 Officer Consultation:	Yes
Existing Council Policies:	The Constitution
Financial Implications:	Yes
Legal Implications (including human rights):	Yes
Risk Implications:	N/A

Equality Issues/EQIA assessment:	N/A
Crime & Disorder:	N/A
Every Child Matters:	N/A

Great Yarmouth Borough Council

Committee Structure



Policy and Resources Committee	Number of Items
14 th June 2016	11
26 th July 2016	19
6 th September 2016	10
6 th October 2016	5
18 th October 2016	11

Economic Development Committee	Number of items
6 th June 2016	9
25 July 2016	9
7 September 2016	17
10 October 2016	7
21 November 2016	14

Environment	Number of Items
8 th June 2016	7
20 th July 2016	7
12 th September 2016	10
12 th October 2016	10
23 rd November 2016	10

Housing and Neighbourhoods	Number of Items
16 June 2016	11
28 July 2016	13
15 September 2016	14
27 October 2016	9

ARTICLE 4 - THE FULL COUNCIL

4.1 Policy Framework

- (a) The Policy Framework means the following Plans and Strategies:

Local Development Framework
 Council's Corporate Plan/Vision
 Housing Investment Programme Strategy and HRA Business Plan
 Financial Strategy and Policies
 Asset Management Strategy
 Economic Growth Strategy
 Housing Strategy
 Setting tax base and discounts

- (b) **Budget and Financial Policy Matters ("the Budget")**

This includes:

- the allocation of financial resources to different sources and projects
- proposed contingency funds
- setting the Council Tax
- control of the Council's borrowing requirements
- control of the Council's capital expenditure
- the setting of virement limits.

4.2 Functions of the Full Council

Only the full Council will exercise the following functions:

- (a) adopting and changing the Constitution
- (b) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer
- (d) appointing the Mayor, Deputy Mayor and Leader
- (e) agreeing and/or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them
- (f) appointing representatives to outside bodies
- (g) adopting a scheme of allowance for Councillors
- (h) changing the name of the area or granting the Freedom of the Borough

- (i) confirming the appointment of the Head of Paid Service
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- (k) all other matters which, by law, must be reserved to Council.

4.3 Council Meetings

There are three types of Council meeting.

- (a) the Annual Meeting
- (b) Ordinary Meetings
- (c) Extraordinary meetings.

These will all be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibility for Functions

The Council will maintain the tables in this Constitution setting out the responsibilities for the Council's functions

4.5 Standing Orders

The provisions of Part II of Schedule 2 to the Local Authorities (Standing Orders) (England) Regulations 2001 shall apply.

4.6 All functions by or exercised by and or reserved to the Council: -

- Appointing the Mayor and Deputy Mayor of the Council.
- Appointing the Leader of the Council.
- Agreeing or amending the committee structure, the terms of reference of committees and their size.
- Confirming the appointment of or dismissal of the Head of Paid Service, Monitoring Officer and Chief Financial Officer (Section 151 Officer).
- Confirming the appointment of the Independent Person(s).
- Making of a Members Allowance Scheme and amending the same.
- Making a request for single member electoral wards to the Local Government Boundary Commission.
- Resolution to change a scheme for elections.
- Making an order giving effect to the recommendations made in a Community Governance Review.
- Making, revoking or amending the following policies, plans and strategies :-

- Licensing Authority Policy Statement.
- Local Development Framework - Development Plan Documents, Plans and alterations which together comprise the Development Plan.
- Policies made under the Gambling Act (including any resolution relating to casinos).
- Capital Programme.
- Medium Term Financial Plan.
- Treasury Management Strategy.
- Approval of the Council's corporate plan.
- Setting the Council's Budget and Council Tax
- Fees and Charges Policy
- Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation including bylaws or personal bills.
- Appointment of the Returning Officer and Electoral Registration Officer.
- Adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules and Financial Regulations.
- All Functions relating to Elections
- The Functions relating to pensions
- Approval of the authority's statement of accounts, income and expenditure and balance sheet or record of payments and receipts (as the case maybe)
- Power to make standing orders
- Power to make standing orders as to contracts
- All matters which by law are reserved to the Council including: -
- Ombudsman reports where there has been a finding of maladministration with injustice and the report has been rejected
- Statutory officer reports of the Monitoring Officer, Chief Financial Officer and Head of Paid Service and External Auditor's public interest reports.
- Conferring the title of Honorary Freeman and Honorary Alderman.
- Approving the Annual Pay Policy Statement.
- Changing the name of the Borough.
- Significant changes to the Council's Constitution (other than variations to the scheme of Delegation which may be approved by committees within their remits and minor and consequential changes to the constitution which are delegated to the Monitoring Officer (see Scheme of Officer Delegation Post)).
- Appointment of representatives to outside bodies.
- Consideration of reports from committees, sub-committees, or any other body constituted by the Council.
- To receive the minutes of committees and sub-committees acting under delegated powers for question and comment after being signed off by the Committee.

- Making compulsory purchase orders (other than under planning grounds).
- Making recommendations to the Secretary of State on district boundaries, ward boundaries, electoral divisions, ward or polling districts.
- Any other function which must, by law, be exercised by and / or reserved to the full Council.

ARTICLE 5 – POLICY AND RESOURCES COMMITTEE

5.1 Key strategic decisions (other than those which must be determined by the Council) including all decisions which have a major impact on a number of Council services or on the Council as a whole and decisions which are significant in terms of impact on the Council's revenue or capital (to be determined by The Head of Paid Service and/or Section 151 Officer).

- All local authority licensing functions and ancillary matters other than those falling within the remit of the Licensing Committee
- Health and safety functions (otherwise than as employer)
- Making recommendations to the Council on the adoption of bylaws
- Functions relating to parishes, elections and electoral registration
- Functions relating to Polling Station reviews
- Functions relating to Community Governance Reviews
- Making recommendations to Council relating to the name and status of areas and individuals
- Making recommendations to Council on the promotion or approval of a local bill.
- Making recommendations to the Council as to recommendations to the Secretary of State on district boundaries, ward boundaries, electoral divisions, wards or polling districts
- To make recommendations to Council on the budget insofar as it impacts on the role and remit of the Committee.
- Making compulsory purchase orders under planning grounds and/or recommending to Council the making of compulsory purchase orders
- Appropriation of land for planning purposes
- Receiving reports from outside bodies
- External Relationships
- Public Relations

5.2 Formulation of key strategic policies to be adopted by the Council (except those which are reserved to Council for approval) including:-

- Commissioning Framework
- Annual Budget Strategy
- Budget and Council Tax Policy
- General Fund Balances and Reserves Policy
- Asset Management Strategy.
- Corporate Asset Utilisation and Disposal strategy.
- Consultation and Communication Strategy.
- Equalities and Diversity Policy.
- Strategy relating to HRA.
- Managing and monitoring the Council's Capital Programme.

- Approving resources for the appointment of a designated independent person.
- Approving human resources policies
- Treasury Management

5.3 Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- Procurement Policies
- Transformation Programmes.
- Member Development.
- Member and Civic Services.
- Strategic Risk Management.
- Audit Issues (other than matters falling within the remit of the Audit and Risk Committee).
- Major Projects.
- Strategic Commissioning including Decommissioning.
- Asset Management.
- Human Resources
- Democratic Services.
- Financial Services
- Revenues and Benefits.
- Performance Management.
- Administrative Services.
- Procurement Decisions over £100,000

5.4 Approval of payments or other benefits for maladministration under s92 of the Local Government Act 2000, except where it relates to a matter falling within the remit of the Planning Committee or is dealt with by Officers acting under delegated powers.

5.5 To approve the write-off of any individual outstanding debt above the delegated limit of £10,000.

5.6 Making recommendations to the Council on standing orders relating to contracts and financial regulations.

5.7 All cross cutting matters across the Council and any matter/issue not expressly delegated to another Committee.

5.8 Receiving reports from outside bodies.

5.9 Determining the Council's strategic approach to Strategic Partnerships.

5.10 Performance Management:-

- Overall responsibility for managing and monitoring council performance against approved estimates of revenue expenditure and income
- Overall responsibility for monitoring council performance against locally set performance indicators

5.11 Membership

- The Leader of the Council (Chair)
- Chair of Housing and Neighbourhoods Committee,
- Chair of Environment Committee
- Chair of Economic Development Committee
- 9 other members appointed by Council under the Political Balance Rules.

ARTICLE 6 – THE ECONOMIC DEVELOPMENT COMMITTEE

6.1 Developing and adopting policies in accordance with the Council's leisure and culture strategy including: -

- Arts and Cultural Strategy
- Concessionary Pricing Strategy
- Museums and Heritage Strategy
- Economic Growth Strategy

6.2 Policy development, implementation and review in respect of all areas falling within the remit of the committee including:-

- Developing and reviewing the Local Development Framework
- Development Plan Documents and Supplementary Planning Documents.
- Developing and adopting policies and procedures to underpin the Local Development Framework Core Strategy

6.3 Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- Economic Development
- Land Charges
- Business Growth
- Town Centre Regeneration
- Tourism
- Transport
- Markets and Street Trading
- Car Parks
- Operation and Management of Industrial Units
- Civil Parking Enforcement
- Acquisition and Disposal of Industrial Units
- Formulation of the Culture strategy and to recommend to Council for adoption
- Museums and Collections

6.4 Policy Review and Development

The committee may hold enquiries and investigate the available options for future direction in policy development

6.5 Performance Management

Monitoring performance against approved estimates of revenue expenditure and income for services falling within its remit.

Monitoring Service Performance against agreed targets.

6.6 Membership

13 members appointed by Council under the Political Balance Rules

ARTICLE 7 – THE ENVIRONMENT COMMITTEE

- 7.1** Policy development, implementation and review in respect of all areas falling within the remit of the committee including making recommendations to Policy and Resources Committee or Council as appropriate in respect of key strategic policies impacting on the role and function of the committee.

The committee may hold enquiries and investigate the available options for future direction in policy development

The committee may scrutinize and review decisions made or actions taken by Committees in so far as they have a direct impact on the role or functions of the Committee.

- 7.2** Developing policies, procedures and protocols in relation to the Council's emergency plan and responses to flooding (other than planning issues).

- 7.3** Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- Emergency Planning
- Shoreline Management Plan
- Refuse Collection
- Cleansing
- Recycling
- Litter Collection
- Street Cleaning
- Grounds Maintenance
- Public Toilets and Amenities
- Trade Waste
- Environmental Health including:-
 - Food Law Enforcement Service Plan
 - Food Hygiene
- Environmental Protection and Improvement
- Health and Safety
- Dog and Pest Control
- Cemeteries
- Commons regulation and town and village greens
- Contaminated land and statutory nuisances (excluding policy issues)
- The passing of a resolution that schedule 2 to The Noise and Statutory Nuisance Act 1993 should apply in the authority's area
- The power to apply for an enforcement order against unlawful works on registered common land under Section 41 of the Commons Act 2006.

- The power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(a) of the 2006 Act (Section 45 re-enacted, with amendments, the more familiar Section 9 of the Commons Registration Act 1965 with effect from 1st October 2006).
- The power to institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the 2006 Act.
- The power to make a closing order on a takeaway food shop
- Duties of the local authority under the Coastal Protection Act 1949 and other Coastal Protection Legislation.

7.4 Receiving reports from outside bodies

7.5 External Review

The committee may invite stakeholders to address the committee on issues of local concern and/or answer questions in so far as it impacts directly or indirectly on the role or functions of the committee:-

- Environment Agency and other statutory bodies (in relation to flooding and other emergencies)

7.6 Performance Management

Monitoring performance against approved estimates of revenue expenditure and income for services falling within its remit.

Monitoring service performance against agreed targets

7.7 Membership

13 members appointed by Council under the Political Balance Rules

ARTICLE 8 - HOUSING AND NEIGHBOURHOODS COMMITTEE

- 8.1** Policy development, implementation and review in respect of all areas falling within the remit of the committee including making recommendations to Policy and Resources Committee or Council as appropriate in respect of key strategic policies impacting on the role and function of the committee.

The committee may hold enquiries and investigate the available options for future direction in policy development

The committee may scrutinize and review decisions made or actions taken by Committees in so far as they have a direct impact on the role or functions of the Committee.

including:-

- Community safety strategy
- Health and Well Being strategies
- Sports/Physical Activity Development Plans

- 8.2** Decision making where decisions fall outside the scheme of delegation in respect of the following: -

- Formulating the Council's housing capital programme and recommending the same to Council for approval.
- Formulating, monitoring and reviewing the Council's Housing Revenue Account and recommending the same to Council for approval.
- HRA Business Plan (including the Asset Management Strategy and Delivery Plan);
- The level and use of surpluses and reserves within the HRA
- Enforcement Strategy
- Designation of conservation areas and areas of archaeological interest
- Assets of Community Value
- Anti-Social Behaviour Strategy
- Domestic Violence Strategy
- CCTV Strategy
- Housing Needs Assessment
- Anti-Social Behaviour Policy (housing)
- Community Safety
- Community Resilience
- Troubled Families
- Voluntary Sector

- Health and Wellbeing
- Social inclusion (young people, older people, debt and rural issues)
- Community Cohesion
- Police
- Voluntary Sector
- Community Safety and Crime Reduction Partnership
- Sports Development
- Parks and Open Spaces
- Formulation of the Sport, play and leisure strategy and to recommend to Council for adoption
- Indoor sports and fitness

8.3 Performance Management

Monitoring performance against approved estimates of revenue expenditure and income for services falling within its remit.

Monitoring service performance against agreed targets

8.4 Membership

13 members appointed by Council under the Political Balance Rules

ARTICLE 25 - SCHEME OF DELEGATIONS

25.0 SCHEME OF DELEGATIONS TO OFFICERS

25.1 The Council under Section 100 of the Local Government Act 1972 has resolved to delegate to the Chief Executive and the Directors (including any persons appointed on an interim basis to such posts), the following functions:

To manage the services for which they are responsible. This includes –

- 25.1.1 the appointment and dismissal of staff within these services, with the exclusion of the Statutory Officers
- 25.1.2 the procurement of works, supplies and services within the financial and contract framework of the council's constitution;
- 25.1.3 all decisions and the implementation of all steps necessary for those functions within the framework of plans and budgets approved by the council:
- 25.1.4 the exercise of all other functions incidental, ancillary or conducive to the carrying out of the main service functions for which they are responsible;
- 25.1.5 the authorisation of named officers under any statutory or regulatory provision to enable those officers to exercise specific functions (by way of example only, to enter onto and inspect land, to acquire information or to conduct covert surveillance, to issue fixed penalty notices);
- 25.1.6 the signing and service of any notices, counter notices, or the making of any formal notifications for the purposes of the functions for which they are responsible.
- 25.1.7 An officer shall not have the power to exercise any functions or take any decisions reserved under this Constitution to a Committee or the Council-
 - 25.1.7.1 where the council or any relevant committee or sub-committee has resolved to suspend that delegated power;
 - 25.1.7.2 Where expenditure over £100,000 is committed
 - 25.1.7.3 outside of or contrary to the council's policy and budgetary framework;
 - 25.1.7.4 where the council's Head of the Paid Service or Monitoring Officer has formally notified the officer concerned that the delegated function should not be exercised;

- 25.1.7.5 where there is a conflict of interest or where any code of conduct for council employees in force from time to time prevents the exercise of such a function.
- 25.2 The above delegations apply not only to functions delegated directly by the council but to functions delegated via committees, sub-committees or joint committees of the council and other local authorities or public bodies.
- 25.3 The scheme of delegations may be amended or varied in general or in particular in whole or in part by the delegating body.
- 25.4 There shall be delegated to the Chief Executive, or in his or her absence any other Chief Officer the exercise of any power or function of the Council, which in law is capable of delegation,
- in an emergency threatening life, limb or substantial damage to property within the district.
 - In a situation of urgency where a decision is required that was not foreseeable and which may enable the authority to avert or mitigate a financial or reputational loss or take advantage of a potential financial or reputational benefit

In each case The Chief Executive or Chief Officer shall consult with the Leader of the Council or their Deputy (unless they cannot be contacted after all reasonable efforts have been made).

The exercise of such delegated power shall be confined to the minimum necessary to deal with the emergency and shall be reported to the next meeting of the Council, or Policy and Resources Committee whichever shall be first.

25.5 OFFICERS

25.5.1 General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

25.5.2 Chief Officers.

The Full Council will engage persons for the following posts, who will be designated chief officers:

25.5.3 Post Functions and areas of Responsibility

25.5.3.1 Chief Executive (and Head of Paid Service)

- Overall corporate management and operational responsibility (including overall management responsibility for all officers)
- Together with the Monitoring Officer and Chief Financial Officer, provision of professional advice to all parties in the decision making process and responsibility for a system of record keeping for all the Council's decisions.
- Representing the Council on partnership and external bodies (as required by statute or the Council) with particular responsibility for Performance Management and Localism

25.5.3.2 Corporate Directors

- Accountancy & Exchequer
- Arts
- Audit & Risk
- Building Control
- Business Transformation
- Coast & Community Partnerships
- Conservation, design and landscape
- Countryside
- Customer Services
- Democratic Services
- Development Management
- Economic Development
- Electoral Services
- Emergency Planning
- Environmental Health
- Environmental Protection
- Environmental Services (waste & cleansing)
- Enforcement
- Housing, Health & Wellbeing
- Housing Options
- Housing Strategy
- Information Technology
- Legal services
- Leisure
- Media & Communications
- Planning Policy, Sustainability & Major Developments
- Property Information (Land charges, street naming & numbering)
- Property services
- Organisational Development
- Reprographics
- Tourist information

25.5.4 Head of Paid Service, Monitoring Officer and Chief Financial Officer

The Council will designate the following posts as shown:

Post Designation

Chief Executive - Head of Paid Service
Monitoring Officer - Monitoring Officer
Head of Finance - Chief Financial Officer

Such posts will have the functions described below.

25.5.5 Structure.

The Head of Paid Service will determine and publicise a description of the overall service management, which is appended to the Constitution, and subject to review on at least an annual basis.

25.5.6 Functions of the Head of Paid Service

25.5.6.1 Discharge of functions by the Council

The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

25.5.6.2 Restrictions on functions

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

25.5.7 Functions of the Monitoring Officer

25.5.7.1 Maintaining the Constitution.

The Monitoring Officer will maintain and revise an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

25.5.7.2 Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the Full Council if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered and appropriate advice taken.

25.5.7.3 Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

25.5.7.4 Working with the Independent Person

The Monitoring Officer will work with the Council's appointed Independent Person to promote and maintain high standards of conduct and ethical behaviour.

25.6.7.5 Receiving reports

The Monitoring Officer will receive and act on decisions of the Standards Committee.

25.5.7.6 Conducting investigations

The Monitoring Officer will conduct investigations or arrange for investigations to be conducted where appropriate into ethics and standards matters and make reports or recommendations in respect of them to the Standards Committee.

25.5.7.7 Proper Officer for access to information

The Monitoring Officer will ensure that Council decisions and relevant officer reports and background papers are made publicly available as soon as possible.

25.5.7.8 Advising whether decisions are within the budget and policy framework.

The Monitoring Officer will advise whether decisions are in accordance with the budget and policy framework.

25.5.7.9 Providing advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

25.5.7.10 Restrictions on posts

The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

The Monitoring Officer will discharge his/her functions in accordance with the Council's protocol.

25.5.8 Functions of the Chief Financial Officer

25.5.8.1 Ensuring lawfulness and financial prudence of decision making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the Full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

25.5.8.2 Administration of financial affairs.

The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.

25.5.8.3 Contributing to corporate management

The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

APPOINTMENT TO OUTSIDE BODIES 2016/17

Appendix E

List of Outside Body	Number of Members	Nominees
A47 Alliance	1	Plant
Bowls Tournament Working Party	2	Cutting Fairhead
Broads Authority	1	Thirtle
Broads Internal Drainage Board	6	Andrews M Coleman Mr J Shrimplin Thirtle Walch Weymouth
Chamber of Commerce - Norfolk (Great Yarmouth Committee) Chamber Council	2	B Coleman K Grey
Coastal Partnership East	1	Smith
Community Association Management Committee - South Yarmouth	2	Jeal Stenhouse
Community Association Management Committees - Claydon Pavilion	2	Rodwell Williamson
Community Rail Partnership	1	Mr M Taylor
Community Safety (Great Yarmouth) Ltd (CCTV Co)	1	Hanton
East Anglia Port Welfare Committee	1	Borg
East of England LGA	1	Plant
Economic Reference Group	4*	Leaders
enterpriseGY Board	1	B Coleman
Gorleston Poor Land Trustees	3	Flaxman - Taylor Mr B Watts Wright
Great Yarmouth and Rambouillet Twinning Association	3	M Coleman

APPOINTMENT TO OUTSIDE BODIES 2016/17

Appendix E

List of Outside Body	Number of Members	Nominees
		B Coleman Hacon Plant
Great Yarmouth Development Company	1	
Great Yarmouth in Bloom	2	K Grey Stenhouse
Great Yarmouth Marketing Initiative	1	B Coleman
Great Yarmouth Municipal Charities	4	Jeal Robinson-Payne Stenhouse Walch
Great Yarmouth Preservation Trust	5	M Coleman B Coleman Cutting A Grey Williamson
Great Yarmouth Racecourse	2	Hammond Smith
Great Yarmouth Sports Council	3	Cutting Hanton Williamson
Great Yarmouth Sports Partnership	3	Cutting Hanton Williamson
Great Yarmouth Transport & Infrastructure Steering Group (formerly Car Parking Strategy Steering Group)	3	A Grey Jeal B Coleman
Greater Yarmouth Tourism & Business Improvement Area Ltd/Interim Board of Directors	4	B Coleman Hammond Jeal Mavroudis
GY & Waveney Systems Leadership Partnership	1	Carpenter

APPOINTMENT TO OUTSIDE BODIES 2016/17

Appendix E

List of Outside Body	Number of Members	Nominees
GY Norse Company Board	1	Carpenter
GY Norse Liaison Board	3**	Carpenter Grant Hacon
GYB Services Company Board	1	Smith
GYB Services Liaison Board	2**	K Grey Smith
High School Foundation	1	Williamson (4 Year Period 2014- 2018)
James Paget Healthcare NHS Trust (Governors' Council)	1	Flaxman – Taylor
Local Authority Trading Company Board (for development of Beacon Park housing)	1	Plant
Local Authority Trading Company (for development of Beacon Park housing)/Shareholder Committee	13	Annison Andrews Borg Carpenter Flaxman – Taylor Grant K Grey Hammond Lawn Thirtle Wainwright Walker Williamson
Local Government Association - Coastal Issues	1	Plant
Local Government Association - General Assembly	1	Plant
Neighbourhood Management Board - MESH (Gorleston)	2	Flaxman – Taylor K Grey

APPOINTMENT TO OUTSIDE BODIES 2016/17

Appendix E

List of Outside Body	Number of Members	Nominees
Neighbourhood Management Boards - Make It Happen (Southtown, Cobholm and Halfway House)	2	Connell Waters – Bunn
Neighbourhood Management Boards - Yarmouth	2	Stenhouse Walch
Nelson Museum Management Board	2	Cutting K Grey
New Anglia Local Enterprise Partnership	1	Plant
Norfolk Archaeological Unit Advisory Committee	1	Mavroudis
Norfolk Coast Partnership (Joint Advisory Panel)	1	Hanton
Norfolk County Joint Museums Committee	1	Lawn
Norfolk Health & Wellbeing Board	1	Carpenter
Norfolk Health Overview & Scrutiny Committee	1	Weymouth
Norfolk Parking Partnership Joint Committee	1	Plant
Norfolk Rail Group	1	Mr M Taylor
Norfolk Records Committee	1	M Coleman
Norfolk Strategic Planning Framework	1	Annison
Norfolk Waste Partnership	1	Grant
Older Peoples Partnership	1	Carpenter
Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROL AJC)	1	Plant
Police and Crime Panel	1	Hammond (Sub) Stenhouse
SeaChange Board	1	B Coleman
Sentinel Leisure Trust	2	Stenhouse Walch

APPOINTMENT TO OUTSIDE BODIES 2016/17

Appendix E

List of Outside Body	Number of Members	Nominees
Sentinel Leisure Trust Partnership Board	1	Wainwright
St George's Trust	3	Plant Wainwright Walch
Town Centre Company (Great Yarmouth) Ltd	1	B Coleman
Waveney, Lower Yare and Lothingland Internal Drainage Board	3	Andrews Annison Lawn
Youth Advisory Board	1	Mavroudis

* Leaders of political parties invited

** Includes Member on Company Board

ARTICLE 11 – THE AUDIT AND RISK COMMITTEE

- 11.1 The purpose of the Audit and Risk Committee is to monitor governance, risk management and internal control, to ensure these are efficient and effective. This is achieved through key items received by the Committee in relation to internal audit, external audit, key finance items, governance reviews and risk management reporting.
- 11.2 To consider and approve annually the Internal Audit Strategic and Annual Plans, and to monitor subsequent performance against these plans
- 11.3 To consider a report from internal audit on management progress made in the implementation of agreed recommendations
- 11.4 To consider and approve the Head of Internal Audit's annual report and opinion, and summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance, risk management and control arrangements.
- 11.5 To satisfy itself that the system of internal control has operated effectively throughout the year.
- 11.6 To consider and approve the appointment of the External Auditor.
- 11.7 To consider the audit plans of the External Audit Auditor and the subsequent reports and letters, including the Annual Letters and reports.
- 11.8 To comment on the scope and depth of Internal and External Audit work in addressing the authority's significant risks, and reviewing the authority's programme and processes for achieving value for money.
- 11.9 To review and approve the Annual Statement of Accounts and the Annual Governance Statement, specifically to consider 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.
- 11 10 To monitor the effective development and operation of Risk Management in the Council, through considering the Risk Management Framework and the Corporate Risk Register.

- 11.11 Monitoring council policies on whistle-blowing and the antifraud and corruption strategy and the Council's complaints process.
- 11.12 To consider the extent of the Council's compliance with its own and other published financial standards and controls.
- 11.13 To commission ad-hoc work from Internal and External Audit.
- 11.14 To review any issue referred to it by the Chief Executive, a Director, or any council body.
- 11.15 To hold annual private discussions with the Head of Internal Audit and the External Audit to review working relationships with Auditees, etc.
- 11.16 To assess the Committee's own effectiveness on an annual basis.
- 11.17 To act as a point of strategic leadership and support regarding Business Continuity and receive recommendations and assessments from the Business Continuity Workgroup.
- 11.18 Jointly with Standards Committee, to maintain an overview of the Council's constitution in particular with respect to the risk management and financial control environment.
- 11.19 The promotion and maintenance of high standards of conduct within the Council.
- 11.20 Membership

9 Members appointed by Council under the Political Balance Rules.

Subject: Neighbourhood Plans Decision Making

Report to: Economic Development Committee, 19 December 2016

Report by: John Clements, Principal Strategic Planner (Growth Group)

SUBJECT MATTER

A proposed scheme of delegation for the Council's future decisions in relation to neighbourhood development plans.

RECOMMENDATIONS

That the Economic Development Committee agrees that the following scheme of delegation for progressing neighbourhood plans be recommended to the Constitution Working Party and Council, including any necessary changes to the Council Constitution required to implement it:

- 1) the detailed scheme of delegation for neighbourhood plans matters set out at Section 7, and**
- 2) that the relevant Council Committee for neighbourhood development plan matters be the same as that for local plans.**

1. INTRODUCTION

1.1 There has been a recent local surge in interest in preparing neighbourhood development plans (NPs) among parish councils in the Borough, though none have yet been formally commenced. NPs were introduced by the 2011 Localism Act, but have recently been given renewed attention by Government. This has included new legislation in train affecting local planning authorities' statutory obligations in relation to NPs, and some signs of a move towards giving NPs a more central role in development planning.

1.2 While the NPs themselves are formally prepared by the parish council (or a neighbourhood forum in unparished areas), the Borough Council has a range of statutory and other obligations in relation to them. Experience elsewhere shows this has the potential to be very demanding of officer time. It also requires a sequence of Borough Council decisions of various types at successive stages in the progress of each Draft NP, some against specific deadlines. In order that these decisions can be efficiently and effectively made by the Council within the required timescales and at the most appropriate level, a scheme of delegation is proposed.

1.3 If agreed, this would require amendments to the Council's Constitution (which currently makes no explicit mention of NPs). The current review of the Constitution offers an opportunity for this to be achieved in advance of too many of these decisions

needing to be made.

2 NEIGHBOURHOOD PLANS BACKGROUND

2.1 NPs are usually prepared by parish councils. If there is no parish council in an area, other community groups can apply to be designated a 'neighbourhood forum' and prepare a NP. NPs differ significantly from parish plans and other types of community plan, in that once successfully completed they become part of the development plan for their area (alongside the Local Plan). The development plan is, by law, the starting point for any decisions on planning applications. In order to achieve that elevated status, NPs are required to meet a range of requirements in relation to both their content and the process by which they are prepared (though these are significantly less onerous than those for local plans). NP policies may, within certain constraints, vary from and supersede those in the adopted Local Plan.

2.2 The Borough Council, as local planning authority, has several distinct obligations in relation to NP preparation:

- administration of the NP process, including making a number of important quasi-judicial decisions;
- advising and assisting the parish council (or neighbourhood forum) preparing the NP; and
- protecting and promoting the wider planning interests of the Borough.

2.3 It is important to appreciate that the first two of these roles are explicit legal obligations, and that the decisions and actions to be taken on these are, in principle, regardless of whether the Borough Council agrees with the content of the proposals. It is in the last role above that the Borough Council's own views and judgements come to the fore.

2.4 If a NP area includes part of the designated Broads area (where the Broads Authority is the local planning authority) decisions on the NP will need to be coordinated between the two authorities. This is not anticipated to be generally problematic. Indeed, early combined engagement with Stokesby has proved satisfactory.

3 BOROUGH COUNCIL DECISION MAKING ON NEIGHBOURHOOD PLANS

3.1 The Borough Council has to make a series of decisions through the progress of NP preparation. Some of these are highly technical, some merely administrative, but a few others have the potential to be highly controversial. All are to some degree time limited, and current draft legislation intends prescribed time limits for some stages. It is therefore desirable for the Council to determine in advance the levels and procedures for decision making, so this can be done at the most appropriate level and in a timely fashion.

3.2 At present there is no explicit provision in the Constitution for decisions on neighbourhood planning. This Report is being brought to the Economic Development Committee now because NPs are development plans, like the Local Plans which this

Committee already handles.

3.3 The Constitution Working Party and the Council will, however, shortly be considering a proposal that in future development plan matters should be dealt with by the Policy and Resources Committee. (This on the basis that, important though development plans are for economic development, they are also critical for housing and neighbourhoods, the environment etc. and form a major component of the Council's policies for the Borough's future.) Hence what follows below does not identify the specific Committee involved, and this would be decided as part of the wider deliberations of the Council in its review of the Constitution. However, the Economic Development Committee is recommended to advise the Constitution Working Party and Council that, whichever Committee it is, the same Committee should handle all development plan matters, both local plans and NPs.

3.4 The following identifies the sequence of decisions the Borough Council must make in its various roles through the process, and the recommended level within the Council for that particular decision to be taken. The rationale for each of the recommended levels is discussed below, but the principle informing each is:

- Where the decision is predominantly technical or routine, Growth Group Manager (responsible for Strategic Planning and Planning Policy)
- Where the decisions are predominantly routine, but with some potential for sensitivity, Growth Group Manager in consultation with the Committee Chair (facilitating the transfer, if time permits, or reporting of the decision to Committee where appropriate);
- Where the decision has significant potential for controversy, and for bringing the Plan into force, to the Committee.

It is intended that key decisions made under delegated powers would subsequently be reported to Committee, in order to ensure Members are informed of the progress of NPs.

3.5 In the following schedule,

- Committee Chair means the Chairperson of the relevant Committee;
- Growth Group Manager, also includes any person to whom he or she further delegates the decision (usually the Principal Strategic Planner); and
- references to parish councils should be taken to include neighbourhood forums.

3.6 **Recommended Schedule of Delegation (in chronological order):**

3.5.1 Designation of a Neighbourhood Forum: Growth Group Manager, in consultation with the Committee Chair

Determining whether a community group applying for designation as a neighbourhood forum meets the specified requirements. (n.b. This decision is only required if there is no parish council for the area.) Normally routine, but could potentially be controversial if there were competing community groups seeking designation for the same area.

3.5.2 Designation of a Neighbourhood (Plan) Area: Growth Group Manager, in consultation with the Committee Chair

Deciding the area which the NP will cover, following consultation. In parished areas this will usually be the whole parish and uncontroversial. (Draft legislation would not permit any decision but approval in cases where a parish council is seeking whole parish designation).

3.5.3 Informal comments on emerging NPs: Growth Group Manager

Provision of informal guidance and comment on emerging proposals. This is usually an iterative process, and largely indivisible from the general 'advise and assist' role.

3.5.4 Strategic Environmental Assessment Determination (and similar Habitats Regulations Assessment advice, etc.): Growth Group Manager

Highly technical judgement, relating to complex and evolving legislation, as to whether the plan is likely to have significant effects on a range of specified matters (e.g. nature conservation, population, existing infrastructure, etc.), and thus whether a full assessment is legally required.

3.5.5 Formal response to pre-submission consultation: Growth Group Manager

Deciding what comments should be made on the draft NP to ensure the Borough's planning strategy and any other interests are clearly and firmly put forward, and any outstanding issues are addressed, if the parish council is willing, in advance of the examination.

3.5.6 Publication of a submitted NP: Growth Group Manager

Decide whether plan is complete and meets the procedural requirements. If so, deciding extent and timing of consultation in the light of statutory requirements, the precise nature of the NP, and the resources available and any other consultations in progress at the time.

3.5.7 Formal representations on submitted neighbourhood plan: Growth Group Manager, in consultation with the Committee Chair

This is a key stage at which the any outstanding concerns about the NP can be put forward (during the consultation outline above) for consideration in the examination.

3.5.8 Appointment of Examiner: Growth Group Manager

Selecting a 'suitably qualified and experienced' independent person to conduct the examination, gaining parish council's agreement to final choice, and commissioning that person to undertake the examination and make recommendations to the Borough Council.

3.5.9. Whether plan should proceed to referendum: Relevant Committee

A crucial and potentially controversial decision as to whether (in the light of the examiner's recommendations) the plan meets the legal tests, and whether the Borough Council will make any changes to the plan to allow it to go forward.

3.5.10 Bringing the plan into force: Growth Group Manager, in consultation with the Committee Chair

If the plan passes the referendum, then the Borough Council has no choice but to 'adopt' the plan.

4 FINANCIAL IMPLICATIONS

The scheme of delegation proposed should save officer and member time.

5 RISK IMPLICATIONS

Reputational and cost risks are mitigated by the proposed scheme of delegation.

6 CONCLUSIONS

A scheme of delegation would help decisions required on NPs to be made in a timely and efficient fashion, and at the most appropriate level.

7 RECOMMENDATIONS

That the Economic Development Committee agrees that the following scheme of delegation for progressing neighbourhood plans be recommended to the Constitution Working Party and Council, including any necessary changes to the Council Constitution required to implement it:

1) (a) Relevant Committee:

- i. Whether, in light of the Examiner's recommendations, a Neighbourhood Plan should proceed to referendum, and if so whether any changes must first be made to it.**

(b) Growth Group Manager (or such person s/he may delegate to), in consultation with the Chair of the relevant Committee:

- ii. Designation of a Neighbourhood Forum**
- iii. Designation of a Neighbourhood Area**
- iv. Formal response to submitted Neighbourhood Plan**
- v. Bringing a neighbourhood plan into force following a successful referendum**

(c) Growth Group Manager (or such person s/he may delegate to):

- vi. Informal comments on emerging neighbourhood plans**
- vii. Strategic Environmental Assessment Screening (and similar) of Neighbourhood Plans**
- viii. Formal Response to Pre-Submission Consultation on a Neighbourhood Plan**
- ix. Publication of a submitted Neighbourhood Plan**
- x. Appointment of independent examiner**
- xi. Making such detailed changes to the Neighbourhood Plan as required by the Committee decision, together with any consequent adjustments and/or minor corrections or improvements required.**

- 2) That the relevant Council Committee for neighbourhood development plan matters be the same as that for local plans.**

8 BACKGROUND PAPERS

- Localism Act 2011**

- Neighbourhood Planning Bill 2016-17
- Planning Practice Guidance: Neighbourhood Planning

9 ATTACHMENTS

None.

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated?

Area for consideration	Comment
Monitoring Officer Consultation:	N/A
Section 151 Officer Consultation:	EMT 3 rd November.
Existing Council Policies:	Great Yarmouth Local Plan
Financial Implications:	A suitable scheme of delegation will reduce costs.
Legal Implications (including human rights):	N/A
Risk Implications:	Reputational and cost risks mitigated by the proposed scheme of delegation.
Equality Issues/EQIA assessment:	N/A
Crime & Disorder:	N/A
Every Child Matters:	N/A

TERMS OF REFERENCE OF JOINT CONSULTATIVE COMMITTEE:

1. To establish regular methods of communication and negotiation between the Council and its employees, to encourage positive working relationships and to resolve differences and to adjust them should they arise- always provided that no question of individual discipline, promotion or efficiency shall be within the Terms of Reference of the Committee.
2. To consider and advise on any relevant matter referred to it by any committee of the Council or by any of the employee groups represented on the Consultative Committee.
3. To make recommendations to the Policy and Resources Committee as to the adoption of policies affecting employee interests (except those relating to the terms and conditions on which they are employed) or on any other matter referred to it.
4. To discharge such other functions specifically assigned to the Joint Committee by the Council.
5. To undertake consultation to enable the Council to make and maintain arrangements so that the Council and its employees can co-operate effectively in promoting and developing measures to ensure the health and safety at work of the employees.
6. To keep under review the effectiveness of health and safety measures and to make any recommendations arising from such review.

NOVEMBER 2016
CONSTITUTION CHANGES

Page 7	Delete Paragraph 4
Pages 15/16	Paragraph 4.2 needs re-lettering
Page 17	Amend Local Development Framework to Local Plan Document
Page 20	Amend Treasury Management
Page 22	Amend Local Development Framework to Local Plan
Page 26	Amend 'Violence' to 'Abuse'
Page 27	Delete 'Community Safety and Crime Reduction Partnership'
Page 27	Add 'Child and Adult Safeguarding' in Policy and Resources
Pages 35/36/37/38	Article 11 Audit and Risk Committee – rewritten
Page 41	Add Vice Chair
Page 42	Add text
Page 43	Add Vice Chair
Page 44	Add Text
Page 49	Possible amendment to Development Control bring Vice Chair of Policy and Resources
Page 52	Paragraph 19.3 (a) – delete 'Governance Committee' with 'Constitutional Working Party'
Page 53	Paragraph 19.5 – add MO
Page 63	add 'Assets of Community Value'
Page 71	Paragraph 26.9.3 – add 'working' to the text.
Page 92	Amend 'TBC' with 'P&R'
Page 94	Delete 'Section 151 Officer' as a Heading
Page 95	Paragraph 27.3.2 – delete 'crime and disorder reduction strategy'
Page 96	Amend 'TBC' with 'Policy and Resources'
Page 100	Paragraph 27.5.8 – delete 'd,7' with '27.5.7'

Page 110	Paragraph 28.42.13 amend 'TBC' with 'Policy and resources
Page 112	Paragraph 28.42.24 amend 'TBC' with 'Policy and resources
Page 112	Paragraph 28.42.26 amend 'TBC' with 'Policy and resources
Page 113	Paragraph 28.42.27 amend 'TBC' with 'Policy and resources
Page 113	Paragraph 28.42.28 amend 'TBC' with 'Policy and resources
Page 114	Paragraph 28.42.35 amend 'TBC' with 'Policy and resources
Page 114	Paragraph 28.42.36 amend 'TBC' with 'Policy and resources
Page 114	Paragraph 28.42.37 amend 'TBC' with 'Policy and resources
Page 114	Paragraph 28.42.40 amend 'TBC' with 'Policy and resources
Page 114	Paragraph 28.42.41 amend 'TBC' with 'Policy and resources
Page 114	Paragraph 28.42.42 amend 'TBC' with 'Policy and resources
Page 127	Delete Paragraph 28.43.38 as it is duplication
Page 132	Paragraph 28.43.73 amend 'TBC' with 'Policy and resources
Page 133	Paragraph 28.43.81 amend 'TBC' with 'Policy and resources
Page 133	Paragraph 28.43.81 amend 'TBC' with 'Policy and resources
Page 145	Paragraph 28.44.39 – query the ?
Page 156	Paragraph 28.45.11 – delete 'TBC' with 'Policy and Resources'
Page 160	Query RE '?' - Delete and remove papers
Page 161	Query RE '?' - Delete and remove papers
Page 199	Why is Article 37 blank – Delete and renumber articles
Page 212	Add new scheme here
Page 213	Add revised Management Structure
Page 214	Paragraph 41.1.1 – 'Employment Committee'
Page 215	Paragraph 41.4.1 – delete 'Cabinet'
Page 216	Paragraph 41.7.1 – 'Employment Committee'
Page 219	Paragraph 41.10.3 – amend text to JCC
Page 226	Paragraph 42.8.8 – delete 'DORGG' with MO

Page 232	Delete reference to Cabinet
Page 232	Delete 'Interim'
Page 238	Delete reference to Scrutiny (paragraph 43.2.41)
Page 242	Delete 43.2.6.3 and renumber

TERMS OF REFERENCE OF EMPLOYMENT COMMITTEE:

1. Except to the extent delegated to Chief Officers in accordance with the Officer Employment Procedure Rules set out in Part 41 of the Constitution, to determine the terms and conditions on which staff hold office (including procedures for their dismissal).
2. To be responsible for the appointment of the Head of Paid Service, statutory and non-statutory Chief Officers and Deputy Chief Officers (all as defined in the Local Government and Housing Act 1989). This power includes the establishment of ad hoc Appointment Panels to carry out this function.
3. To be responsible for taking disciplinary action in respect of the Head of Paid Service, in accordance with the procedures required by the Officer Employment Procedure Rules.
4. To designate an officer as Head of Paid Service (subject to approval by the full Council) and to provide staff etc. for that officer.
5. To designate an officer as the Monitoring Officer and to provide staff etc. for that officer.
6. To make arrangements for the proper administration of the Council's financial affairs including the appointment of the Chief Finance Officer.
7. To designate the Council's "Proper Officers".
8. Consider appeals against disciplinary decisions, unresolved grievances and grading appeals from employees (where specified in the relevant policy).

Constitutional Working Party

Minutes

Monday, 23 January 2017 at 14:00

Present :

Councillors Annison, Carpenter, K Grey, Plant, Thirtle, Walker, Wainwright, Walch and Williamson.

Also in attendance :

Mrs S Oxtoby (Chief Executive Officer), Mrs K Watts (Transformation Programme Manager), Mr D Johnson (Deputy Monitoring Officer), Mr R Hodds (Corporate Governance Officer)

1 APPOINTMENT OF CHAIR

RESOLVED :

That Councillor Williamson be appointed as Chair of the Constitutional Working Party.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence.

3 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

4 REVIEW OF COMMITTEE FORM OF GOVERNANCE AND REVIEW OF THE COUNCIL'S CONSTITUTION

The Working Party considered the joint report of the Corporate Governance Manager and Transformation Programme Manager and Deputy Monitoring Officer, on the review of the Committee Form of Governance and the Great Yarmouth Borough Council's Constitution.

Members were reminded that Council at its meeting on the 24 November 2015 had agreed to change from a Cabinet Form of Governance to a Committee Form of Governance. Council also agreed that a review of both the Committee Form of Governance and the Constitution should be the subject of review after six months. It was also agreed that the former Governance Committee should become the Constitutional Working Party and that this Working Party should consider the review of the Committee System and Constitution and make recommendations to Full Council. The new system commenced in mid May 2016 and the six month period ended in mid November.

The Working Party were advised that the report examined and reviewed the operation of the committee system for the past six months and made recommendations for Members consideration to improve the systems current operations.

a) Size of Committees

Recommendation :-

That no change be made to the numbers of Members on Committees as at present, with the exception that the Audit and Risk Committee should reduce from 9 Members to 5 Members.

b) Frequency of meetings

Members were advised that by changing the Service Committees cycle of meetings from six to eight weeks would provide Officers more time to produce better quality and accurate reports and an eight week cycle would provide a clearer decision making process so that reports that need to go to Council can be considered by Council who currently meet every eight weeks. The point was made that items for information could be dealt with a briefing sessions rather than by consideration at the relevant Service Committees.

The Chief Executive Officer reported that this issue could be the subject of a further review in six months time.

Recommendation :-

That the frequency of meetings remain on the present six weekly basis and that this issue be reviewed in six months time.

c) Number of Service Committees

The Working Party was asked to consider whether there was potential for the amalgamation of the roles and responsibilities of the Service Committees into three Committees rather than four as at present.

Recommendation :-

That the number of Service Committees remain at four, namely Policy and Resources, Economic Development, Environment and Housing and Neighbourhoods.

d) Timings of meetings

The Working Party was asked to consider the timing of meetings and whether there was a possibility that Service Committees could be held during normal office working hours. The point was made that it was felt that the Audit and Risk could become a daytime meeting rather than evening. The issue of potential savings that could be made by changing to daytime meetings were reported.

Recommendation :-

That the timings of meetings be amended so that all four Service Committees and regulatory Committees commence at 6pm with Full Council commencing at 7pm.

e) Venue of meetings

Recommendation :-

That the current arrangements for Committee meetings remain unchanged.

f) Terms of Reference of Service Committees

The Working Party considered the current Terms of reference of the Service Committees.

Recommendation :-

That the current Terms of Reference for the Service Committees remain unchanged.

g) Pre Agenda Meetings (PAM's)

The Working Party were asked to consider the arrangements for the Pre Agenda Meetings.

Recommendation :-

That the relevant Chairman be asked to agree to fixed times for Pre Agenda Meetings.

h) Scheme of Delegation

The Working Party considered the current Scheme of Delegation.

In general comments it was the Officers views that the Scheme of Delegation is working well and would be best reviewed by this Working Party with support from the Council's legal Officers in a further six months time. The Working Party were also asked to agree to the Scheme of Delegation for progressing Neighbourhood Plans as previously agreed by the Economic Development Committee on the 19 December 2016.

Recommendations :-

(1) That the Scheme of Delegation for progressing Neighbourhood Plans be agreed

(2) That the Scheme of Delegation be reviewed by the Constitutional Working Party in a further six months time with support from the Council's legal Officer's.

i) Council procedure rules

The Working Party considered the provisions within the Constitution that dealt with procedure rules for Council meetings.

In discussing this issue the following matters were raised :-

- The issue of Members who attend Development Control and Licensing Committee meetings when those Members who leave the debate during consideration of a specific item should not in fact take part in any voting on that specific item.
- The Working Party discussed the conduct of Members at Full Council meetings and the view was expressed that it would be helpful if Members were the subject of further training on Council procedure rules. The possibility of providing buttons in the Chamber to allow Members to record their wish to speak on certain items was discussed.
- The Working Party discussed the consideration of Service Committee minutes at Council meetings and the Deputy Monitoring Officer confirmed that these were a formal record of decisions already taken and that they were presented to Council for information purposes only.
- The meeting discussed whether it would be more appropriate for key decisions of Service Committees at Council meetings rather than the full Service Committee minutes.

Recommendations :-

(1) That a best practice protocol be included in the Constitution with regard to the issue of Members voting at Development Control and Licensing Committee meetings when they do not take part in a full discussion on any particular item, and that an appropriate paragraph be included on both Development Control and Licensing Committee agendas to advise Members on this issue.

(2) That Key Decisions of Service Committees be considered at Council meetings rather than the full set of Service Committee minutes.

j) Training requirements

Recommendation :-

That approval be given to the establishment of a Member Development Group to consider an annual training programme for Members.

k) Outside Bodies

Members were reminded that the former Governance Committee had undertaken a complete review of Outside Bodies which had resulted in a number of those being deleted. The Working Party discussed whether it would be good practice to for the Monitoring Officer to advise all Members of what their likely responsibilities and requirements will be in being a representative on an Outside Body.

The Working Party also discussed a proposal that Member allocation to Outside Bodies should be the subject of review by the Group Leaders prior to consideration at the annual Council meeting.

Recommendation :-

1) That the Monitoring Officer undertake a programme of advising all Members of the responsibilities of being on a Outside Body.

2) That Group Leaders be requested to review Member allocations to Outside Bodies prior to consideration at the annual Council meeting.

l) Capacity / resourcing issues

Members were reminded of the costs associated with servicing all the Committees, Working Parties and PAM meetings by the Member Services Team. The point was made that any changes to the operating of the Committee System would likely have a significant impact of the team to provide the service that Members would require.

m) Lessons learnt

The Corporate Governance Manager reported that in his view there had been

a good transition from the Cabinet system to the Committee Form of Governance in a relatively short period of time. The Working Party recorded their thanks and appreciation to the Member Services Team and to Executive Management Team for the work carried out in respect of the transition of the governance arrangements.

The Working Party discussed the proposal that the Vice Chairman of the Yarmouth and Gorleston Area Committees should be elected Members of the Council rather than independent Members. The issue of the Terms of Reference of the Grants Sub-Committee was also discussed.

n) Review of Constitution

The Working Party were advised the current Constitution had been re proof read and a number of typing and spelling errors had been identified which would be amended in a revised version of the Constitution. As part of the review of the Constitution a discussion was held with the Council's Auditors in respect of the Terms of Reference of the Audit and Risk Committee and as a result these had been amended.

Following discussions with the Group Manager Growth it was recommended that Local Plan matters are more properly the concern of the Policy and resources Committee than at present the Economic Development Committee. This is because the Local Plan is intended to improve and integrate Economic Social and Environment matters.

It was also proposed to amend the Terms of Reference of the Joint Consultative Committee.

The Deputy Monitoring Officer reported on a number of amendments that had been identified in the text of the Constitution and these were detailed for Members approval. The Working Party was also reminded that the Council had already agreed to revisions of the following in the Constitution :-

- Delegation Scheme for Property matters
- Contract Standing Orders

These amendments already agreed would be incorporated into the revised Constitution.

Members were also reminded that Council at its meeting on the 17 January 2017 had agreed to the Terms of reference for the Employment Committee and these details would be included in the revised Constitution.

Recommendation :-

That approval be given to the amendments to the Council's Constitution as detailed above.

5 OTHER ISSUES

The Working Party considered the following other issues :-

- Motions on Notice - authority to assess details by the Monitoring Officer - AGREED
- Responses to Consultation papers - AGREED, to delegate to Technical Officers on Technical Consultations
- Recommendation from Housing and Neighbourhoods Committee to Council to reinstate the Housing Appeals Committee - AGREED, any changes to the Constitution should be referred for initial consideration to the Constitutional Working Party
- Protocol for Members to include items on agendas for Committees - AGREED, to prepare a protocol for inclusion as an annex to the Constitution

6 COUNCILLORS ADVICE IN RELATION TO ISSUES OUTSIDE OF THEIR WARD AREAS

The Working Party discussed the issue of Councillors assisting to Members of the Public on issues that did not necessarily involve their ward areas.

Recommendation :-

That the Monitoring Officer be asked to include advice on this issue within the Constitution.

The meeting ended at: 16:20