

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO COUNCIL

Agenda Item No. 4

meeting date: TUESDAY 14 MAY 2019
title: COMMITTEE ARRANGEMENTS FOR MUNICIPAL YEAR 2019/2020
AND APPROVAL OF DOCUMENTS IN THE CONSTITUTION
submitted by: CHIEF EXECUTIVE
principal author: OLWEN HEAP

1 PURPOSE

1.1 To determine the Council's committee arrangements for the Municipal Year 2019/2020 and to approve the documents contained in the Council's Constitution.

1.2 Relevance to the Council's objectives and priorities –

- Council's Objectives – whilst the Council's committee arrangements do not contribute directly to the achievement of the Council's objectives, they set the framework for the Council's decision making processes.
- Other considerations – the Council decided under the provisions of the Local Government Act 2000, after consultation with the electorate, to retain its committee arrangements rather than opt for an executive form of governance. This decision has been reconsidered and confirmed by the Policy & Finance committee.

2 BACKGROUND

2.1 The basis of the Council's present committee structure was approved by the Policy and Finance Committee at its meeting on 3 April 2008 as amended to include an Economic Development committee.

2.2 The terms of reference of committees including the Emergency committee, and the call-in procedure are set out in Appendix A and B together with the Constitution of the Parish Council Liaison Committee.

2.3 A timetable of meetings for the Municipal Year 2019/2020 was provisionally approved by the Policy & Finance Committee at its meeting on 4 April 2019. The timetable for meetings is set out at Appendix 'C'.

2.4 As well as approving the number of committees and their terms of reference, the Council must also determine the number of seats on each committee. The number of seats on each committee needs approving and the allocation of these seats will be in accordance with the political balance provisions of the Local Government and Housing Act 1989. Appendix 'D' shows the Allocation of Committee Seats if the present committee structure is approved.

2.5 The Chief Executive has been notified by the 2 independent councillors that they wish to be a group and known as The Independents in line with the Local Government Regulations 1990.

2.6 The Council appointed 13 councillors to represent the Council on the Parish Council Liaison Committee in 2018/2019. The representation was 11 Conservatives and 2 Liberal Democrats. It is suggested that the proportion of representatives for 2019/2020 is 10 Conservatives, 2 Liberal Democrats and 1 Independent.

2.7 Under Standing Order 20(8) it is necessary to appoint an Emergency Committee. The Emergency Committee will have power to take any necessary action when a

need for urgent action arises between meetings of a committee. The Emergency Committee for the Municipal Year 2018/2019 consisted of the Leader and Deputy Leader, a conservative councillor and the Shadow Leader. It is recommended that the membership of the Emergency Committee for 2019/2020 remains the same.

2.8 It has also been necessary to update the following document contained in the Council's Constitution:

- Standing Orders;

2.9 These can be viewed on the Council's website. They are contained as part of the agenda package for the Annual Council meeting.

<https://www.ribblevalley.gov.uk/meetings>

3 RISK ASSESSMENT

3.1 The approval of this report may have the following implications:-

- Resources – the estimated costs of administering the committee arrangements in 2019/2020 are included in the approved budget for 2019/2020.
- Technical, Environment and Legal – none.
- Political – none.
- Reputation – none.

4 **RECOMMENDED THAT THE COUNCIL**

4.1 approves the number of committees and their terms of reference set out in Appendix 'A';

4.2 approves the call-in procedure set out in Appendix 'B';

4.3 approves the timetable of meetings set out at Appendix 'C';

4.4 approves the number of seats on each committee and the allocation of those seats set out in paragraph 3 of Appendix 'D';

4.5 agrees the representation on the Parish Council Liaison Committees set out in paragraph 2.6 above;

4.6 appoints an Emergency Committee as set out in paragraph 2.7 above.

4.7 approves the updated documents contained in the Council's Constitution as set out in paragraph 2.8 above.

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

1 Agenda for Annual Meeting of Council 8 May 2018

For further information please ask for Olwen Heap on extension 4408.

ANNC014519/OMH



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Powers and Duties of the Council and its Committees

May 2019

RIBBLE VALLEY BOROUGH COUNCIL

CONTENTS

| | |
|--|----|
| CONTENTS..... | 2 |
| PART 1: INTRODUCTION..... | 3 |
| PART 2: MATTERS RESERVED TO MEETINGS OF THE FULL COUNCIL.... | 4 |
| PART 3: TERMS OF REFERENCE OF COMMITTEES..... | 5 |
| 1 Powers, duties and functions of Committees | 5 |
| 2 General duties and powers of all Committees | 5 |
| 3 General duties and powers of all Committees except Policy and Finance Committee | 5 |
| TERMS OF REFERENCE OF POLICY AND FINANCE COMMITTEE..... | 6 |
| TERMS OF REFERENCE OF COMMUNITY COMMITTEE..... | 8 |
| TERMS OF REFERENCE OF PLANNING & DEVELOPMENT COMMITTEE..... | 10 |
| TERMS OF REFERENCE OF HEALTH AND HOUSING COMMITTEE..... | 11 |
| TERMS OF REFERENCE OF ECONOMIC DEVELOPMENT COMMITTEE .. | 13 |
| TERMS OF REFERENCE OF PERSONNEL COMMITTEE..... | 14 |
| TERMS OF REFERENCE OF LICENSING COMMITTEE..... | 15 |
| TERMS OF REFERENCE OF ACCOUNTS AND AUDIT COMMITTEE..... | 16 |
| TERMS OF REFERENCE OF AND PROTOCOL FOR AN EMERGENCY COMMITTEE..... | 18 |
| Protocol | 18 |
| Terms of Reference of Emergency Committee | 18 |
| PART 4: CONSTITUTION OF THE PARISH COUNCIL LIAISON COMMITTEE..... | 19 |
| PART 5: POLITICAL STRUCTURE CHART..... | 21 |

PART 1: INTRODUCTION

1. This part of the Ribble Valley Borough Council's ("***the Council***") Constitution deals with delegations from the Council to its committees and subcommittees. Delegations from the Council and its committees to officers of the Council are set out in Part 3(2) of the Council's Constitution.
2. Matters which are reserved to meetings of the full council are set out at **Part 2** of this document. The Local Authorities (Alternative Arrangements) (England) Regulations 2001 provide that certain matters must remain the responsibility of full council. Part 2 of this document takes account of these provisions.
3. Terms of reference of committees are set out at **Part 3** of this document. This part includes:
 - general provisions on delegation to committee;
 - terms of reference for each of the Council's policy committees; and
 - terms of reference for the Council's other committees.
4. **Part 4** of this document contains the Constitution of the Parish Council Liaison Committee.
5. **Part 5** of this document a diagram showing the political structure of the Council and its committees.

PART 2: MATTERS RESERVED TO MEETINGS OF THE FULL COUNCIL

1. Adopting and changing the Council's constitution.
2. Approving or adopting the following plans and strategies:
 - Corporate Strategy Document;
 - Sustainable Community Strategy;
 - Community Safety Partnership Strategic Assessment and Partnership Plan;
 - Local Development Framework (Local Plans);
 - Treasury Management Strategy.
3. Approving the budget.
4. Agreeing and/or amending the terms of reference for committees and their composition including any joint committees.
5. Appointing the Chairmen and Vice-Chairmen of committees.
6. Approving a scheme of members' allowances.
7. Changing the name of the area, conferring the title of honorary alderman or freedom of the borough.
8. Confirming the appointment of the Head of Paid Service.
9. Reviewing and approving the Pay Policy Statement annually.
10. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.
11. All other matters which by law must be reserved to the Council.

PART 3: TERMS OF REFERENCE OF COMMITTEES

1 Powers, duties and functions of Committees

- 1.1 The powers, duties and functions (Terms of Reference) which are delegated to the specific committees are detailed in this Part.
- 1.2 Except where: (i) the Council directs otherwise; or (ii) section 101 provides otherwise (e.g. in relation to functions under the Licensing Act 2003), the Committee to which a power, duty or function has been delegated may delegate such power, duty or function to a sub-committee or to an officer of the Council.
- 1.3 This scheme of delegation to committees shall be (amended if necessary and) confirmed at the Annual Meeting of the Council and may only be amended at any other time with the consent of the Council following a recommendation by the Policy & Finance Committee.

2 General duties and powers of all Committees

- 2.1 To comply with the standing orders and financial regulations of the Council.
- 2.2 To manage any lands or properties of the Council which are held for the purposes of the committee.
- 2.3 To operate within the budget allocated to the committee by the Council and monitor such budget on a regular basis.

3 General duties and powers of all Committees except Policy and Finance Committee

- 3.1 To comply with any direction of the Policy and Finance Committee on matters of overall policy and priorities and to submit to that committee any proposed action which has major policy implications.

TERMS OF REFERENCE OF POLICY AND FINANCE COMMITTEE

- 1 To guide the Council in formulating its policy objectives to provide high quality, affordable and responsive public services that develop the social and economic well being of the Borough whilst safeguarding the rural nature of the area.
- 2 To determine the priorities by which those policy objectives should be achieved and to make recommendations on the allocation and use of resources to achieve them including the production of relevant corporate policy documents and strategies including the Corporate Strategy Document.
- 3 To monitor and evaluate progress made towards achieving the objectives of the Corporate Strategy Document.
- 4 To consider and review the Council's Performance Management Framework including the monitoring and evaluation of performance indicators.
- 5 To take a lead on specific improvement objectives and on the overall monitoring and review of the Council's performance.
- 6 To maintain supervision of the Council's organisation to ensure its co-ordination and integration at member and officer level.
- 7 To consider the constitution and powers and duties of committees and to settle any dispute between any of the committees.
- 8 To implement the relevant provisions of the Civil Contingencies Act 2004 which relate to Emergency Planning & Business Continuity.
- 9 To determine policy on elections within the Borough including:
 - the division of the Borough into polling districts; and
 - the alteration of ward boundaries.
- 10 To oversee the administration of elections and registration of electors.
- 11 To consider and co-ordinate the Council's capital and revenue estimates and to make recommendations to the Council on the levy of local taxes.
- 12 To formulate and implement the Council's communication strategy and the use of information technology to improve customer services.
- 13 To approve amendments to standing orders and financial regulations and to ensure compliance with financial regulations.
- 14 To exercise financial management over the affairs of the Council including:
 - the collection, recovery and remission of local taxes;
 - the receipt and payment of money by or to the Council;
 - the taking out of any necessary insurances;
 - the review and monitoring of the Council's treasury policy statement; and
 - the approval of the minutes of the meetings of the Budget Working Group.
- 15 To make recommendations to the Council for any scheme relating to members' allowances and expenses.

- 16 To consider grants and subscriptions to outside bodies and organisations not dealt with by any other committee.
- 17 To oversee the administration of the local land charges service.
- 18 To promote and monitor the Council's role in the Community Safety Partnership.
- 19 To consider any matters relating to the Mayoralty, civic functions and civic ceremonial.
- 20 To oversee the administration of any charities for which the Council is responsible.
- 21 To oversee the administration of the housing benefit and council tax benefit and local council tax support schemes.
- 22 To manage any land and property owned by the Council and not specifically held for the purposes of another committee.
- 23 To consider corporate matters relating to the Equality Standard for Local Government.
- 24 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 25 To consider and approve the Council's Complaints procedure.
- 26 To make recommendations to the Council in relation to the Code of Conduct and governance arrangements.
- 27 To exercise all powers, duties and functions of the Council except those which are delegated to any other committee or which by law are required to be exercised by the Council itself.

TERMS OF REFERENCE OF COMMUNITY COMMITTEE

- 1 To formulate, implement and monitor the Council's strategies for:
 - recycling;
 - waste collection & disposal;
 - street and amenity cleansing; and
 - the provision and maintenance of the Council's public conveniences and bus shelters.
2. To carry out the Council's responsibilities for sewers and drains.
3. To carry out the Council's responsibilities for contaminated land, land drainage, water courses and flood risk management.
- 4 To carry out the Council's powers in relation to general engineering matters including reclamation works, common land and the provision of street name signs.
5. To carry out the Council's advisory service on day-to-day highways matters including any road safety issues relating to the Lancashire County Council as the highway authority.
6. To consider any matters relating to footpaths and bridleways and other works in designated areas of the Borough.
- 7 To manage and regulate off-street car parking in the Borough.
- 8 To manage the Depot and Waste Transfer facilities at Salthill Road, Clitheroe.
- 9 To encourage the development of cultural, sporting, recreation and leisure activities throughout the borough.
- 10 To arrange for the management and maintenance of the Castle Museum and the heritage of the borough.
- 11 To control and manage parks, gardens, open spaces, playing fields, playgrounds and other sports facilities and caravan sites controlled by the Council.
- 12 To manage Ribblesdale Pool, the Platform Gallery and the Council's use of sports facilities.
- 13 To design, locate, provide, manage and maintain countryside recreation facilities throughout the Borough.
- 14 To determine and implement the Council's policies towards the granting of financial assistance for recreational, cultural, artistic and sporting purposes.
[NB for the avoidance of doubt, applications for the provision of Christmas lights will be dealt with by this committee].
- 15 To oversee the management of the Visitor Information Services.
- 16 To manage and maintain the Council's CCTV system.
- 17 To promote healthy lifestyles and to work with partner agencies to improve the health of people in the Ribble Valley.
- 18 To oversee the Council's involvement in Children's Trust arrangements.

- 19 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups considers relevant to their work.
- 20 To evaluate and monitor performance information and approve annual targets.

TERMS OF REFERENCE OF PLANNING & DEVELOPMENT COMMITTEE

- 1 To consider applications for planning permission, consent under the Town and Country Planning (Control of Advertisements) Regulations, Certificates of Lawful Development, Certificates of Appropriate Alternative Development, listed building consent and other relevant applications for the use of land and buildings not more properly dealt with by other committees.
- 2 To enforce planning controls and matters concerned with the control of development.
- 3 To consider development management policies.
- 4 To consider matters relating to the countryside, bio diversification and the protection of all sites of natural history value.
- 5 To consider matters relating to conservation areas, tree preservation and high hedges.
- 6 To consider matters relating to the revocation or modification of planning permission.
- 7 To consider matters regulated by the Building Act 1984 and the Building Regulations.
- 8 To carry out the duties and powers of the Council relating to ruinous, dilapidated and dangerous buildings.
- 9 To consider matters relating to the provision of public transport in the Borough and its links with public transport generally.
- 10 To formulate the relevant parts of the Local Development Framework (Local Plans).
- 11 To carry out Council functions relating to Public Footpaths under Planning legislation.
- 12 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 13 To evaluate and monitor performance information and approve annual targets.

TERMS OF REFERENCE OF HEALTH AND HOUSING COMMITTEE

- 1 To carry out the duties and powers of the Council under the Housing Acts and in particular, implement and monitor appropriate Housing Strategies.
- 2 To consider the housing conditions of the Borough including the inspection of dwellings to secure satisfactory standards and improvement of housing.
- 3 To consider the housing needs of the Borough including the provision of suitable housing throughout the Borough by working with Registered Social Landlords and private developers.
- 4 To consider any action necessary to secure the improvement or demolition of unsatisfactory dwellings.
- 5 To carry out the Council's duties relating to homelessness.
- 6 To carry out the Council's duties and powers in relation to disabled facilities grants, minor works grants, house renovation grants and the improvement of residential areas.
- 7 To provide a housing advisory service.
- 8 To monitor the housing benefit service.
- 9 To promote the conservation of home energy.
- 10 To monitor the performance of Ribble Valley Homes and other Registered Social Landlords.
- 11 To continue to bring back into use empty properties throughout the Borough.
- 12 To consider matters affecting the environmental health of the community within the Borough and the development of the Council's environmental health services, and in particular:
 - the control of infectious, diseases and food poisoning, personal health services and social services including liaison with the Primary Care Trusts;
 - duties under the Public Health Acts, Food Safety Act, Clean Air Acts, Noise Act, Building Act, Clean Neighbourhoods and Environment Act, Environmental Protection Act, Caravan Sites & Control of Development Acts, Health & Safety At Work Act, Shops Acts and related legislation;
 - licensing and registration of persons and premises which affect public health;
 - duties and powers relating to the control of dogs;
 - duties and powers relating to pest control;
 - the promotion of health education; and
 - private water supplies.
- 13 To carry out the Council's duties and powers with regard to:
 - managing Clitheroe Market; and
 - managing Clitheroe Cemetery and closed church yards.

- 14 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 15 To evaluate and monitor performance information and approve annual targets.

TERMS OF REFERENCE OF ECONOMIC DEVELOPMENT COMMITTEE

- 1 To lead, consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countywide or regional economic development initiatives.
- 2 To formulate and implement the Council's regeneration and economic development plans.
- 3 To promote and encourage enterprise and investment in the Borough in order to maintain and sustain the economic wellbeing and regeneration of the area.
- 4 To develop a climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.
- 5 To encourage the growth of existing businesses in the Borough and access to the skills and training necessary to support them.
- 6 To consult with the representative organisations of business and employees, trade associations, residents and other interested parties.
- 7 To maintain a special interest in promoting employment in the Borough.
- 8 To promote and encourage tourism.

TERMS OF REFERENCE OF PERSONNEL COMMITTEE

- 1 To consider matters relating to staffing levels, the terms and conditions of employment of all staff and all related matters.
- 2 To consider the Council's recruitment and training policies, including member development.
- 3 To promote good employment relations with all staff.
- 4 To consider matters concerning the health, safety and welfare of all staff.
- 5 To consider matters affecting the efficient use of the Council's staff resources and to make recommendations to the Policy and Finance Committee.
- 6 To be the local appeals committee under the National Scheme of Conditions of Service.
- 7 To consider matters relating to superannuation, pensions and gratuities.
- 8 To consider staffing issues relating to the Equality Framework for Local Government.
- 9 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 10 To evaluate and monitor performance information and approve annual targets.

TERMS OF REFERENCE OF LICENSING COMMITTEE

- 1 To discharge all of the Council's functions under the Licensing Act 2003 except for the function of the determination and publication of the Statement of Licensing Policy.
- 2 To discharge any function of the Council which is related to the Council's functions under the Licensing Act 2003 subject to the provisions of section 7 of the Licensing Act 2003.
- 3 To discharge any function of the Council which is related to the Council's functions under the Gambling Act 2005.
- 4 To carry out the Council's duties and powers relating to the licensing of taxis and private hire vehicles.
5. To carry out the Council's duties and powers relating to the licensing of Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
6. To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
7. To formulate policies relating to the powers and duties of the Licensing committee save as set out at 1.
8. To carry out any function, duty or power of the Council relating to the Scrap Metal Dealers Act 2013.

TERMS OF REFERENCE OF ACCOUNTS AND AUDIT COMMITTEE

1. To review all matters relating to Internal and External Audit. The Committee will have the right of access to all information it considers necessary and can consult directly with Internal and External Auditors.
2. To monitor arrangements for discharging the Council's responsibilities for efficient and effective financial and operational resource management. In pursuing this aim, it will consider:
 - the soundness, adequacy and application of controls;
 - compliance with policies, procedures and statutory requirements;
 - arrangements for safeguarding the Council's assets and interests;
 - the integrity and reliability of management information and financial records;
 - the economic, efficient and effective use of resources.
3. To approve the annual Statement of Accounts and receive the External Auditor's Annual Governance Report.
4. To approve the Annual Audit Plan of the External Auditor.
5. To monitor the External Auditor's progress with the Annual Audit Plan.
6. To approve the Annual Internal Audit Plan.
7. To monitor Internal Audit progress with the Annual Audit Plan, evaluating the effectiveness of Internal Audit and the use of Audit resources and where necessary recommending adjustments to the Internal Audit Plan.
8. To review and comment upon liaison arrangements between Internal and External Audit with a view to optimising the effective deployment of Audit resources.
9. To evaluate the adequacy and effectiveness of the Council's financial and operational policies and procedures including financial and accounting management through discussions with the External Auditors, Internal Auditors, and appropriate officers.
10. To receive and review the findings of both External and Internal audit examinations and to ensure that management takes appropriate action to implement agreed recommendations and to remedy any internal accounting, organisational and operational control weaknesses identified.
11. To receive and comment upon the annual Internal Audit Report and accept the Annual Governance Statement.
12. To annually monitor the effectiveness of the Code of Corporate Governance.
13. To advise and assist the Council on the adoption and revision of the Members' Code of Conduct and monitor the operation of the Members' Code of Conduct.
14. To make arrangements to fulfill the Council's duty to promote and maintain high standards of conduct by Councillors.
15. To make arrangements to determine complaints relating to a breach of the Council's Code of Conduct or any matter which is referred by the monitoring officer.

16. To grant dispensations to Councillors from the requirements relating to interests set out in the Members' Code of Conduct;
17. To make arrangements to ensure Councillors receive training and advice relating to the Members' Code of Conduct;
18. To consider and approve any emergency variations from the Council's Financial Regulations and Contractual Standing Orders.
19. To oversee and then monitor the development and implementation of a comprehensive approach to Risk Management.
20. To review matters of local community concern including partnerships and services provided by 'other' organisations which do not fall within the remit of service committees.
21. To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
22. To evaluate and monitor performance information and approve annual targets.
23. To refer directly to the Council any matters it shall see fit.

The exercise of (14) (15) and (16) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.

TERMS OF REFERENCE OF AND PROTOCOL FOR AN EMERGENCY COMMITTEE

Protocol

Convening a meeting

1. An Emergency Committee should only be called where its terms of reference apply and the matter is so urgent that the decision cannot wait for a scheduled meeting of the Council or one of its committees.
2. The Chief Executive or a deputy appointed by him/her for these purposes will convene the Emergency Committee when s/he feels that it is appropriate.
3. The committee clerk of the appropriate committee will arrange the meeting and produce an agenda. This and any reports prepared for the meeting will be circulated to all members of the committee.
4. The agenda will be posted on the Council's website together with any Part I reports.

Composition of Emergency Committee

5. The emergency committee will comprise of the Leader, the Deputy Leader and the Shadow Leader or their authorised representatives and one other councillor, or such other arrangements as are approved by the Annual Meeting of the Council. Where possible the fourth councillor should be the Chair of the appropriate committee.
6. The Emergency Meeting should be attended by the Corporate Management Team. Other appropriate officers should attend wherever possible.

Decisions taken by the Emergency Committee

7. The meeting will be minuted by a committee clerk and the minutes will be circulated to all members and placed on the Council's website.
8. The decision made by the Emergency Committee will be reported to the next meeting of the appropriate committee or to full council, as applicable.

Terms of Reference of Emergency Committee

To exercise any of the Council's functions which are necessary:

- in the case of a major incident to fulfil the Council's role as determined in its Emergency Plan; or
- in other cases of urgency between meetings of the Council.

To deal with those decisions that are subject to the Council's Call In Procedure.

POWERS AND DUTIES OF THE COUNCIL AND ITS COMMITTEES

PART 4: CONSTITUTION OF THE PARISH COUNCIL LIAISON COMMITTEE

- 1 The Ribble Valley Borough Council shall be represented by those members that it appoints at the Annual Council Meeting.
- 2 Each Parish Council Meeting may send such representatives as they think fit to meetings of the committee.
- 3 There shall be a chairman and a vice-chairman appointed at the Annual Meeting. The Chairman shall be a parish councillor who is not also a borough councillor. The vice-chairman shall be a borough councillor.
- 4 The Chief Executive of Ribble Valley Borough Council shall be Secretary to the committee.

FUNCTIONS

- 5 The committee shall have within its purview matters connected with the furthering of the cultural, economic, environmental and physical well-being of the inhabitants of the Borough insofar as those matters are within the competence of the Borough or Parish Councils, or Parish Meetings.
- 6 The functions of the committee shall include the following:
 - to promote good relations between Borough and Parish Councils;
 - to receive information about matters of interest to Parish Councils;
 - to enable Parish Councils to speak with one voice and to make decisions where appropriate on matters of common concern;
 - to question the Borough Council about its policies and raise matters of concern, particularly where these affect more than one Parish Council.

PROCEDURES

- 7 There shall be an Annual Meeting as soon as may be after the Annual Meeting of the Borough Council, and four other meetings during the year on dates agreed by the committee. On a matter of urgency the chairman or vice-chairman together shall be empowered to call a special meeting or one third of the members of the committee shall also be empowered to call a special meeting.
- 8 The Secretary to the committee shall give seven days notice of meetings and shall enclose an agenda with such notice.
- 9 Notice of items for the agenda must be received by the Secretary not later than 10 days before the meeting.
- 10 A quorum shall consist of no fewer than 4 representatives from the Borough Council and no fewer than 8 voting members from the Parish Councils/Meetings.
- 11 Decisions shall require a simple majority of those present at a meeting with each Borough Council representative having one vote and each Parish Council/Meeting representative having one vote.
- 12 The minutes of each meeting shall be sent out with the agenda for the next meeting of the committee and shall be submitted for confirmation and signature by the chairman at that next meeting.

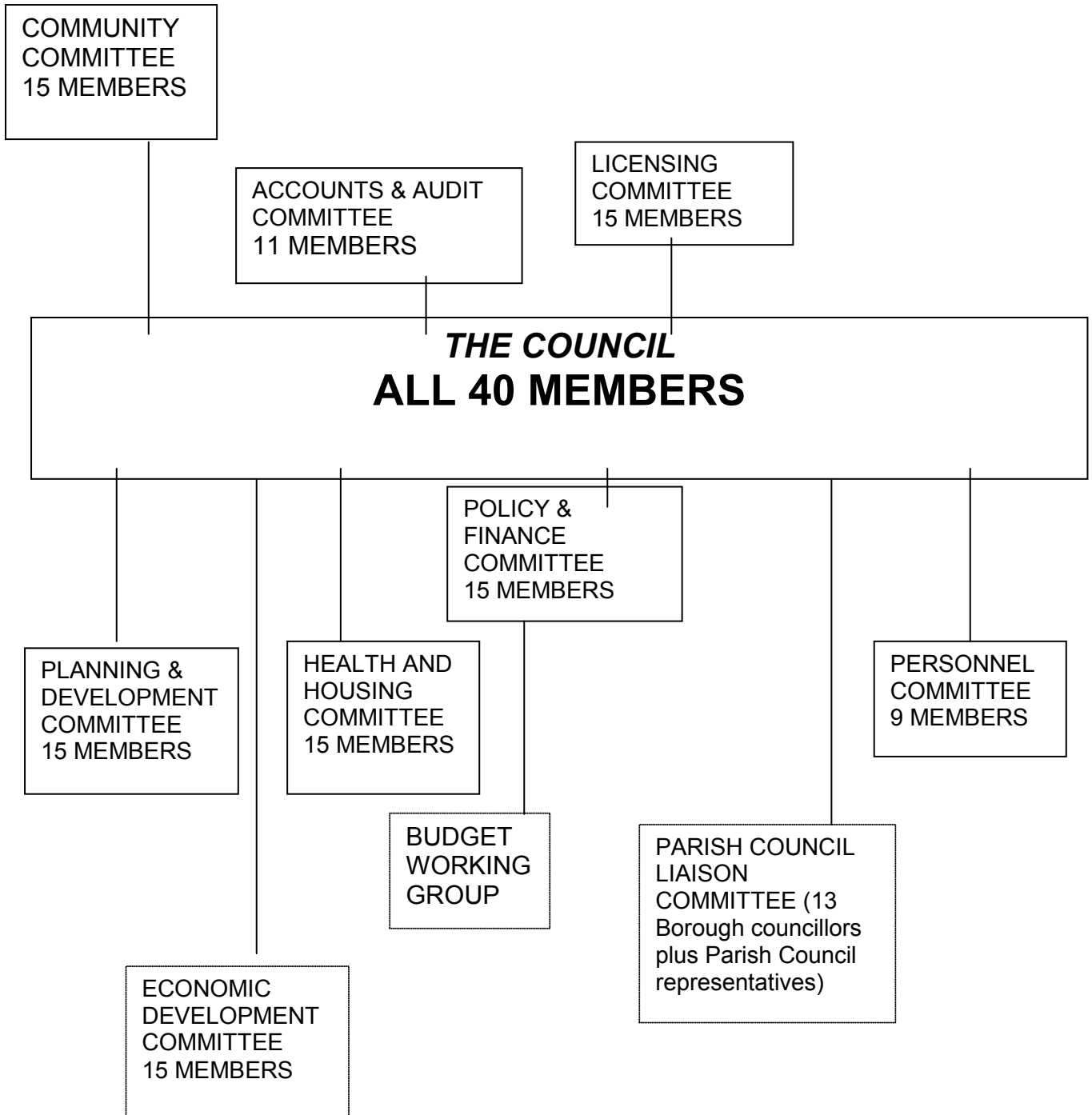
POWERS AND DUTIES OF THE COUNCIL AND ITS COMMITTEES

AMENDMENTS

- 13 This constitution may be amended at any time by the committee by a simple majority in accordance with the provisions of clause 11.

POWERS AND DUTIES OF THE COUNCIL AND ITS COMMITTEES
PART 5: POLITICAL STRUCTURE CHART

In accordance with the provisions of the Local Government Act 2000 we have introduced a 'Streamlined Committee System' following public consultation. This was, by far, the most popular option for governance of the borough. The diagram below shows the current committee structure.



Ribble Valley Borough Council
CALL-IN PROCEDURE FOR DECISIONS
MADE BY COMMITTEES

- 1 All decisions made by committees should be sent to members within two working days of the committee having met.
- 2 A decision can be called-in within 5 working days of the decision being published.
- 3 If a decision is called-in, the implementation of that decision is suspended until the Council has met unless overridden by the Emergency committee.
- 4 Five members are needed to operate the call-in procedure.
- 5 The members operating the call-in procedure must give reasons in writing specifying why the decision has been called-in.
- 6 The call-in procedure does not apply to decisions on individual planning, licensing or grant applications, or to any matter arising out of the original decision on such an application including the conduct of any appeal. It should normally only apply to decisions which are considered to be contrary to policy or not in accordance with the budget. The Emergency committee will have power to override the call-in procedure and to rule that the original decision be implemented. This power can only be exercised by a unanimous decision of the four where in their view, it is necessary to protect the interests of the Council that the original decision be implemented without delay. In order for them to decide whether or not to exercise this power, the Chief Executive shall notify them immediately of any decisions that have been called-in.

MARSHAL SCOTT
CHIEF EXECUTIVE

MAY 2019

Ribble Valley Borough Council
Meeting Cycle 2019/20
(14 May 2019 – 12 May 2020)

| MEETINGS | Day | TIME | 1 ST CYCLE 2019 | TIME | 2 ND CYCLE 2019 | 3 RD CYCLE 2019 | 4 TH CYCLE 2020 | 5 TH CYCLE 2020 |
|--------------------------|-------|--------|-------------------------------|--------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Community Services | Tues | 6.00pm | 28 May | 6.30pm | 3 Sept | 29 Oct | 7 Jan | 10 March |
| Planning and Development | Thurs | 6.00pm | 30 May | 6.30pm | 1 August + 5 Sept | 31 Oct | 9 Jan | 12 March |
| Personnel | Wed | 6.00pm | 12 June | 6.30pm | 18 Sept | 6 Nov | 15 Jan | 18 March |
| Health & Housing | Thurs | 6.00pm | 6 June | 6.30pm | 12 Sept | 7 Nov | 16 Jan | 19 March |
| Licensing | Tues | 6.00pm | 4 June | 6.30pm | 10 Sept | 12 Nov | 28 Jan | 24 March |
| Economic Development | Thurs | 6.00pm | 13 June | 6.30pm | 19 Sept | 14 Nov | 23 Jan | 26 March |
| Policy & Finance | Tues | 6.00pm | 18 June | 6.30pm | 24 Sept | 19 Nov | 21 Jan + 4 Feb | 31 March |
| Parish Liaison | Thurs | 6.00pm | 20 June | 6.30pm | 26 Sept | 21 Nov | 30 Jan | 2 April |
| Planning & Development | Thurs | 6.00pm | 27 June | 6.30pm | 3 Oct | 28 Nov | 6 Feb | 9 April |
| Accounts & Audit | Wed | 6.00pm | 24 July | 6.30pm | | 27 Nov | 12 Feb | 8 April |
| Full Council | Tues | 6.30pm | 9 July | 6.30pm | 15 Oct | 17 Dec | 3 March | 28 April |

2019

Offices Closed

Spring Bank : 27 May 2019
August Bank : 26 August 2019
Christmas : 25 - 31 December 2019

Annual Council : 14 May 2019

European Elections : 23 May 2019

2020

Offices Closed

New Year : 1 January 2020
Good Friday : 10 April 2020
Easter Monday : 13 April 2020
May Day : 4 May 2020

Annual Council : 12 May 2020

Ribble Valley Borough Council

ALLOCATION OF COMMITTEE SEATS

1 The present political balance of the Council as follows:-

| | |
|-------------------|----|
| Conservatives | 28 |
| Liberal Democrats | 10 |
| Independents | 2 |
| | 40 |

2 A summary of the legal provisions relating to political balance together with the mathematical calculations required under the Local Government and Housing Act 1989 are attached.

3 The allocation of committee seats in accordance with the political balance provisions is as follows:-

| <u>Committee</u> | <u>No of Seats</u> | <u>Conservative</u> | <u>Lib Dem</u> | <u>Ind</u> |
|------------------------|--------------------|---------------------|----------------|------------|
| Community Services | 15 | 10 | 4 | 1 |
| Planning & Development | 15 | 10 | 4 | 1 |
| Licensing | 15 | 11 | 4 | 0 |
| Health & Housing | 15 | 10 | 4 | 1 |
| Economic Development | 15 | 11 | 3 | 1 |
| Personnel | 9 | 7 | 2 | 0 |
| Policy & Finance | 15 | 10 | 4 | 1 |
| Accounts & Audit | 11 | 8 | 3 | 0 |
| TOTAL | 110 | | | |

4 It is a matter for each political group how the seats allocated to that group are distributed.

5 The Council also appoints representatives to the Parish Council Liaison Committee. As this Committee is a consultative committee and not a committee of the Borough Council the political balance provisions do not apply. For the municipal year 2018/2019 the Council appointed 13 representatives to the Parish Council Liaison Committee (11 Conservatives and 2 Liberal Democrats). It is suggested that the proportion for 2019/2020 is 10 Conservatives, 2 Liberal Democrats and 1 Independent.

MARSHAL SCOTT
CHIEF EXECUTIVE

May 2019

POLITICAL BALANCE ON COMMITTEES 2019/2020 - MAY**MATHEMATICAL CALCULATION**

| | | |
|---|-------------------|------------------|
| 1. The political balance of Council is: | Conservatives | 28 |
| | Liberal Democrats | 10 |
| | Independents | 2 |
| | | <u>40</u> |

2. The total number of committee seats:

| | |
|------------------------|------------|
| Community Services | 15 |
| Planning & Development | 15 |
| Licensing | 15 |
| Health & Housing | 15 |
| Economic Development | 15 |
| Personnel | 9 |
| Policy & Finance | 15 |
| Accounts & Audit | 11 |
| | 110 |

3. Seats per member is $110 \div 40 = 2.75$

4. TOTAL NUMBER OF SEATS PER GROUP :

| | |
|-------------------|------------------------------|
| Conservatives | $28 \times 2.75 = 77$ |
| Liberal Democrats | $10 \times 2.75 = 28$ (27.5) |
| Independents | $2 \times 2.75 = 5$ (5.5) |

5. ALLOCATION OF SEATS PER COMMITTEE:

| | | |
|--|--------------------------|------|
| <u>Community Services</u> | $(15 \div 40 = 0.375)$ | |
| Conservatives | $28 \times 0.375 = 10.5$ | = 10 |
| Liberal Democrats | $10 \times 0.375 = 3.75$ | = 4 |
| Independents | $2 \times 0.375 = 0.75$ | = 1 |
| <u>Planning & Development</u> | $(15 \div 40 = 0.375)$ | |
| Conservatives | $28 \times 0.375 = 10.5$ | = 10 |
| Liberal Democrats | $10 \times 0.375 = 3.75$ | = 4 |
| Independents | $2 \times 0.375 = 0.75$ | = 1 |
| <u>Licensing</u> | $(15 \div 40 = 0.375)$ | |
| Conservatives | $28 \times 0.375 = 10.5$ | = 10 |
| Liberal Democrats | $10 \times 0.375 = 3.75$ | = 4 |
| Independents | $2 \times 0.375 = 0.75$ | = 1 |
| <u>Health & Housing</u> | $(15 \div 40 = 0.375)$ | |
| Conservatives | $28 \times 0.375 = 10.5$ | = 10 |
| Liberal Democrats | $10 \times 0.375 = 3.75$ | = 4 |
| Independents | $2 \times 0.375 = 0.75$ | = 1 |

| | | |
|--|-------------------|------|
| <u>Economic Development</u> | (15÷40 = 0.375) | |
| Conservatives | 28 x 0.375 = 10.5 | = 10 |
| Liberal Democrats | 10 x 0.375 = 3.75 | = 4 |
| Independents | 2 x 0.375 = 0.75 | = 1 |
| <u>Personnel</u> | (9÷40 = 0.225) | |
| Conservatives | 28 x 0.225 = 6.3 | = 6 |
| Liberal Democrats | 10 x 0.225 = 2.25 | = 2 |
| Independents | 2 x 0.225 = 0.45 | = 1 |
| <u>Policy & Finance</u> | (15÷40 = 0.375) | |
| Conservatives | 28 x 0.375 = 10.5 | = 10 |
| Liberal Democrats | 10 x 0.375 = 3.75 | = 4 |
| Independents | 2 x 0.375 = 0.75 | = 1 |
| <u>Accounts & Audit Committee</u> | (11÷40 = 0.275) | |
| Conservatives | 30 x 0.275 = 7.7 | = 8 |
| Liberal Democrats | 10 x 0.275 = 2.75 | = 3 |
| Independents | 2 x 0.275 = 0.55 | = 0 |

6. Summary

| | <u>Cons</u> | <u>L. Dems</u> | <u>Ind</u> | |
|------------------------|-------------|----------------|------------|--------------|
| Community Services | 10 | 4 | 1 | |
| Planning & Development | 10 | 4 | 1 | |
| Licensing | 10 | 4 | 1 | |
| Health & Housing | 10 | 4 | 1 | |
| Economic Development | 10 | 4 | 1 | |
| Personnel | 6 | 2 | 1 | |
| Policy & Finance | 10 | 4 | 1 | |
| Accounts & Audit | 8 | 3 | 0 | |
| TOTAL | 74 | 29 | 7 | = 110 |

7. The totals of committee seats need to be adjusted to bring the totals in line with the overall allocation of seats ie. Conservatives **77**, Liberal Democrats **28**, Independents **5** = **110**.

8. Therefore the adjustments to the overall allocation of seats are as follows :-

| COMMITTEE | CONS | L DEMS | IND | |
|--------------------|----------------|----------------|---------------|--------------|
| Community Services | 10 | 4 | 1 | |
| Planning & Dev | 10 | 4 | 1 | |
| Licensing | 10 (+1) | 4 | 1 (-1) | |
| Health & Housing | 10 | 4 | 1 | |
| Economic Dev | 10 (+1) | 4 (-1) | 1 | |
| Personnel | 6 (+1) | 2 | 1 (-1) | |
| Policy & Finance | 10 | 4 | 1 | |
| Accounts & Audit | 8 | 3 | 0 | |
| TOTALS | 74 (+3) | 29 (-1) | 7 (-2) | = 110 |
| | 77 | 28 | 5 | = 110 |

Ribble Valley Borough Council

SUMMARY OF THE LEGAL PROVISIONS RELATING TO POLITICAL BALANCE ON COMMITTEES ETC.

1 Sections 15-17 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 contain detailed provisions designed to secure a political balance on the committees and sub-committees of local authorities. The provisions reflect recommendations made by the Widdicombe Committee of Inquiry into the Conduct of Local Authority Business.

2 Section 15 of the Act requires the Council to review at certain times (one of which is the Annual Meeting) the representation of different political groups on the bodies listed in Schedule 1 to the Act (so far as Ribble Valley is concerned the only relevant bodies are committees of the Council). The Council must then determine the allocation of seats between the different political groups and, in doing so, must apply the principles set out in paragraph 3 below.

The Council must then make appointments so as to give effect to the wishes of the political groups as to who is to be appointed.

3 The principles to be applied in the allocation of seats are as follows:-

- (a) Not all the seats on the body concerned are to be allocated to the same political group.
- (b) A group must have a majority of the seats on the body if it has a majority of the authority's membership.
- (c) Subject to (a) and (b) above, the number of seats on the ordinary committees of an authority allocated to each political group out of the total number of committee seats is to be in proportion to the group's membership of the authority as a whole.
- (d) Subject to (a), (b) and (c) above, the number of seats on each body allocated to each political group should be in proportion to the group's membership of the authority as a whole.

4 Section 16 of the Act provides that the requirement to give effect to group wishes as to the allocation to seats applies to vacancies which occur. The section also provides that authorities are to follow a group's wishes in determining whether and when to terminate appointments to seats allocated to the group. Finally, the section protects from legal challenge the decisions of a committee on the basis of alleged failure to comply with the allocation rules.

5 Section 17 together with the 1990 regulations allows an authority to apply different principles for the allocation of seats than those laid down in the Act but only if no member of the authority votes against the revised arrangements. The regulations require three days written notice to all members of any proposal for departure from the statutory principles.

6 The regulations define what is a political group, who are to be treated as members of a particular group and how the wishes of the group are to be expressed. A political group is not the same thing as a political party.

The regulations provide that a political group is constituted by two or more members signing and delivering, to the proper officer, a request in writing to be treated as a political group. The request has to state the name of the group and name one member as its leader. It may also name a member as authorised to act in the place of the leader when he/she is unable to act ("the deputy leader"). Any Council member who did not sign the original request in respect of a group may become a member of it by delivering to the proper officer a request signed by him/her and carrying the written consent of the leader or deputy leader of the group.

7 No member of the Council can be a member of more than one political group at the same time and a member ceases to be a member of a political group when he/she

ceases to be a member of the Council, notifies the proper officer in writing that he/she is no longer a member of the group or gives the proper officer a further request asking to be treated as a member of another group.

- 8 The wishes of a political group are to be taken as the view expressed orally or in writing by the leader or the deputy leader of the group or the view expressed in writing signed by more than half of the members of the group. If there is any conflict between a view expressed by the leader or deputy leader, and a view expressed in writing by a majority of the members of the group the latter is to prevail.
- 9 The general principles require that the members of political groups be given a seat allocation which reflects the proportion of their membership of the Council. The Act does not say so, but this means in practice that independent or non-group members will similarly have to be given a seat allocation which reflects their proportion of the total membership. That does not, however, mean that each single member has to have his/her personal proportion of the total seats or that there is anyone whose wishes the Council will be required to follow in making the seat allocation, unless of course the non-group members decide to form themselves into a group for this purpose. The regulations nevertheless provide that in making appointments to seats which are not allocated to any political group the Council must only appoint from among those members who belong to no political group.
- 10 A High Court decision (*R [East Riding of Yorkshire Council] v Joint Committee for the purpose of making appointments to the Humberside Police Authority 2001*) (ACD44) has confirmed that the purpose of the Act is to regulate the political balance of the political groups and does not require independent members to be proportionally represented. This means that in carrying out the mathematical calculation, seats are allocated to the political groups according to their representation on the Council. Whatever seats are left over are then allocated between the independent members on the Council.
- 11 Guidance from the Department of the Environment suggests the following sequence for implementing the rules as to seat allocation:
 - (a) determine the number of seats with votes on each ordinary committee and calculate the total;
 - (b) calculate the proportion that each political group forms of the total membership of the authority;
 - (c) apply those proportions to the total number of ordinary committee seats to give the aggregate entitlement of each group. Because the requirements are "so far as reasonably practicable", the Department of the Environment suggests that fractional entitlements of less than a half are rounded down and entitlements of a half or more are rounded up. If this results in a greater aggregate than the number of seats available, the fractional requirements closest to a half should be rounded in the other direction until entitlements balance the available seats;
 - (d) apply the proportions to the number of members on each ordinary committee to give a provisional entitlement to seats on that committee;
 - (e) where the provisional entitlement gives only one group seats on the committee, adjust the entitlement so that the next largest group has a seat;
 - (f) where one group has a majority of the membership of the Council but does not have a majority on any committee as a result of the provisional entitlement, increase its share on that committee so that it does have a majority;
 - (g) adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement while preserving the results reached at steps (d) and (e).
- 12 The regulations lay down machinery covering detailed arrangements to ensure that seats are allocated in the accordance with the wishes of political groups. When a

seat has been allocated to a political group by the Council or a Committee, the proper officer is to give notice of the allocation to the leader of the group and must also notify the group leader when a seat allocated to this group becomes vacant. Groups then have three weeks to express their wishes as to the persons to be appointed, failing which the Council or the Committee may proceed to appoint such persons as they think fit. August, or any additional holiday period appointed by the Council, is not to count for this purpose. Any decision of a political group to terminate an appointment is to be communicated by notice in writing to the proper officer and the person currently holding the seat.