

Public Document Pack

JOHN WARD

Director of Corporate Services

Contact: Democratic Services

Email: democraticservices@chichester.gov.uk

East Pallant House

1 East Pallant

Chichester

West Sussex

PO19 1TY

Tel: 01243 785166

www.chichester.gov.uk



A meeting of the **Cabinet** will be held in the Committee Rooms, East Pallant House on **Tuesday 6 June 2023 at 2.00 pm**

MEMBERS: Mr A Moss (Chairman), Mr J Brown (Vice-Chairman), Mrs T Bangert, Mr D Betts, Mr B Brisbane, Ms J Brown-Fuller, Mr M Chilton and Ms H Desai

SUPPLEMENT TO AGENDA

8 **Membership, Role and Terms of Reference for Panels** (Pages 1 - 11)

Members are requested to consider the report and its three appendices and agree the recommendations as set out in the report.

Appendix 1 – Panel Appointments.

Appendix 2 – Terms of Reference – *this document is to follow.*

Appendix 3 – Outside Body Appointments.

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Chichester District Council

CABINET

June 2023

Membership, Role and Terms of Reference for Panels

1. Contacts

Report Author:

Nicholas Bennett, Monitoring Officer and Divisional manager Democratic Services
Tel: 01243 534657 E-mail: nbennett@chichester.gov.uk

Cabinet Member:

Mark Chilton, Cabinet Member for Support Services
Tel: 01243 E-mail: MChilton@chichester.gov.uk

2. Recommendation

- 2.1 That Cabinet establish membership of all Panels at the Council as set out at Appendix One.**
- 2.2 That Cabinet note the legal restrictions upon operation of panels at the authority.**
- 2.3 That Cabinet authorise terms of reference for member panels advising on operational matters as set out at Appendix Two.**
- 2.4 That Cabinet approve the External Bodies appointments as set out at Appendix Three.**

3. Background

- 3.1 The national framework for decision making for Councils has undergone significant change over recent years. By common law and statute the powers of a local authority to establish committees and other limbs to discharge its function is well recognised. These are largely controlled through the Local Government Act 1972 and there are three main versions of operation which can be applied to Councils.
- 3.2 This Council chose to and does operate under an executive / scrutiny split role, the most common model applied nationally. This model establishes a number of bodies to carry out different functions at the authority which are well known to members – Full Council to set policies and budgets, Cabinet to oversee operational decision making (also known as executive decision making), scrutiny committee to provide overview and review for executive decision making, a small number of specific committees and sub committees with authority to make specific decisions and finally panels and tasks & finish groups.
- 3.3 Panels and task and finish groups are created to consider particular matters and offer recommendations to the other decision-making bodies. Panels are established to offer longer term or more strategic consideration on areas of relevance to the Council and Community, and task and finish groups, as the name suggests, to provide similar assessment and recommendation on shorter term or narrower concerns. They are able to be “light on their feet” acting outside of many of the statutory procedural requirements for Committees.

- 3.4 The Panels operating at the Council have expanded in number and role and Cabinet are required to oversee their function, operation and role. They are required to act within their delegated and defined duties and may not act outside them so the scope of their terms of reference is critical to their operation and therefore the overall function of the Council.
- 3.5 There are two specific elements of panels which should be detailed for Cabinet before considering the terms of reference and operation of panels at the District. Firstly flexibility – there is wide scope to consider and advise on any matter whether of topical concern or special importance within the defined role given to that Panel.
- 3.6 Secondly – the restrictions upon Panels. They are not subject to the burdens of a committee under the Local Government Acts, so neither are the given the authority which those requirements also grant. They may not make decisions, only carry out the research and then recommend to full Committees from an informed position. Importantly too their advice to other Committees is not binding upon the head committee. Their evidence is of course strong and informed and would not be taken lightly by a full Committee who are themselves under a duty to make decisions applying proper weight to evidence.
- 3.6 A specific and important example of this restriction is that of scrutiny, licensing and Planning functions. Whilst Panels will be entitled to consider in a constructively critical manner elements in their area of consideration they will not be entitled to step into actions of formal scrutiny or carry out quasi-judicial functions as defined within the Local Government Acts. Those duties are set out in the terms of reference for the specific committees in the Council’s constitution. This is important because the actions and scope of those committees are compelled upon Councils by the Local Government Act 2000 rather than being elective by constitutional will of the authority and may not be carried out by others.
- 3.7 Several of the operational Panels have reviewed their Terms of Reference and made recommendations to Cabinet for amendment. Some of the proposed amendments are not permitted by reason of their being breaches of the restrictions established in law. The versions of terms of reference attached at Appendix Two include only matters which are capable of being carried out at Panel level.

4. Outcomes to be achieved

- 4.1. This report is intended to provide oversight to members as to the role - and limits - of panels. Each term of reference document is drafted to deliver a lawful structure and an efficient focus to their activities. Each is designed to be consistent in approach with each other, focus upon their area of intended responsibility consistent with the structure of the authority, avoid clashing with statutory Scrutiny functions and deliver effective member consideration of their relevant topics.

5. Alternatives that have been considered

- 5.1 Consultation with Panels were carried out in the previous cycle as to the terms of reference of each Panel.

6. Resource and legal implications

6.1 Budget implications are limited and officer support for panels is met from existing budgets. The legal requirements for panels are set out in this report.

7. Consultation

7.1 Group Leaders are consulted by the Leader on Panel Memberships.

7.2 Terms of Reference were consulted with the previous members.

8. Community impact and corporate risks

8.1 The work of panels is intended to give stronger awareness to members on particular topics, to enable detailed review of topics of importance to the community so that fully researched consideration of all aspects of matters of this authorities function can be assessed including community opinion. Effective decision making is informed decision making and uninformed decision making would be a corporate risk.

9. Other Implications

Are there any implications for the following? If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime & Disorder: The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		No
Climate Change and Biodiversity: Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		No
Human Rights and Equality Impact: You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		No – changes are not considered so significant as to required EIA.
Safeguarding and Early Help: The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?		No
General Data Protection Regulations (GDPR): Does the subject of the report have significant implications for processing data		No

<p>likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to):</p> <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity. <p>large scale, systematic monitoring of public areas (including by CCTV). Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p> <p>Other (Please specify): eg health and wellbeing</p>		
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10. Appendices

- 10.1 Appendix One – Proposed members for Panels
- 10.2 Appendix Two – Terms of reference documents for the four operational panels.
- 10.3 Appendix Three – External Bodies Appointments

11. Background Papers

None

Panels

Environment Panel

Membership: Chairman & Cabinet Member for Environment (and Chichester Contract Services)
Other members; five members appointed by the Cabinet on the recommendation of the Cabinet Member for Environment and Chichester Contract Services.

Lib Dem	Green & Local Alliance	Conservative
6	1	1

Jonathan Brown (Chair)	Tim Young	Francis Hobbs
Hannah Burton		
Harsha Desai		
Charles Todhunter		
Stephen Johnson		
Mark Chilton		

Development Plan and Infrastructure Panel (Non-Executive)

Membership: Cabinet Member for Planning Services (Chairman of Panel), Leader of the Council, and up to eight other District Council members. Offer one to Conservatives as extra seat as per John Ward instructions

Lib Dem	Green & Local Alliance	Conservative
7	2	2

Bill Brisbane (Chair)	Donna Johnson	Roy Briscoe
Adrian Moss	Sarah Sharp	Henry Potter
Maureen Corfield		
Jonathan Brown		
Hannah Burton		
Charles Todhunter	Oona Hickson	

Economic Development

Normally four per year

Membership Cabinet member for Economic Development and now Leader of Council plus six other members

Lib Dem	Green & Local Alliance	Conservative
6	1	1

Harsha Desai	Donna Johnson	Brett Burkhart
Adrian Moss (Initial Chair)		
Tim O'Kelly		
Sarah Quail		
Joe Brookes-Harmer		
Hannah Burton		

Panels

housing , communities , culture and sport panel

Normally four per year

Chair Cabinet member for Housing or Communities

Membership Cabinet Members Housing and Communities plus eight other members

Lib Dem	Green & Local Alliance	Conservative
7	2	1

David Betts (Chair)	Donna Johnson	Elizabeth Hamilton
Tracie Bangert (alternate Chair if Community focus)	Sarah Sharp	
Oona Hickson		
Jess Brown-Fuller		
Rhys Chant		
Gareth Evans	Charles Todhunter	

Grants and Concessions

Normally four per year plus fast track decisions by Email

Membership Cabinet member for Communities plus six other members

Lib Dem	Green & Local Alliance	Conservative
6	1	1

Tracie Bangert (Chair)	Donna Johnson	Elizabeth Hamilton
Maureen Corfield		
Gareth Evans		
Charlie Hastain		
Eli Newbury		
Clare Apel		

Joint Employee

The Joint Employee Consultative Panel (JECP) is made up of the Cabinet Member for Support Services, four other District Council members, seven employees, where possible two from Chichester Contract Services, five from East Pallant House, including Careline and The Novium Museum.

Normally four per year

Lib Dem	Green & Local Alliance	Conservative
3	1	1

Iain Ballantyne (Chair)	Donna Johnson	Henry Potter
Mark Chilton		
Jess Brown Fuller		

Panels

Boundary Review Panel

Six Elected members of Chichester District Council.

Meets rarely (but more often when a Constituency Boundary review is underway)

Its purpose is to consider and advise the Cabinet on matters relating to electoral areas as and when the need arises eg community governance reviews, changes to the number of members serving on a parish council, the Council's polling districts, places and stations, proposed Chichester District ward boundary changes, and electoral reviews of the Council's own area.

Lib Dem	Green & Local Alliance	Conservative
3	2	1

Stephen Johnson	Tim Johnson	Roy Briscoe
Jonathan Brown	Val Weller	
Tim O'Kelly		

Parking Forum

To advise Chichester District Council and its Cabinet on all matters relating to parking throughout the district, including specifically the parking strategy for Chichester city and other towns and rural areas and the charges to be applied in the Council's off street car parks, and to comment on matters relating to on-street parking provision.

Membership:

Cabinet Member whose portfolio includes parking and up to five other district councillors

- 1 representative from Chichester City Council
 - 1 representative from Chichester City Chamber of Commerce & Industry
 - 1 representative from Federation of Small Businesses
 - 1 representative from Chichester Access Group
 - 1 representative from Chichester City Partnership
 - 2 representatives from Residents Associations
 - 1 representative from businesses in the north of the district
- Representatives from West Sussex County Council Parking Strategy

Lib Dem	Green & Local Alliance	Conservative
4	1	1

Harsha Desai (Cabinet) - Petworth	Steve Boulcott - Selsey	Brett Burkhart- Fernhurst
Ian Ballintyne - Wittering		
Adrian Moss - Bosham		
Charlie Hastain - Chichester		

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Outside Bodies

[Outside bodies - Chichester District Council \(modern.gov.co.uk\)](http://modern.gov.co.uk)

CHICHESTER DISTRICT COUNCIL APPOINTMENTS TO EXTERNAL ORGANISATIONS 2023/24

(Number of representatives shown in brackets)

Organisation	Proposed Representative 2023/24	Appointed by
1. Action in Rural Sussex (1)	Hannah Burton	Cabinet
2. Brandy Hole and East Broyle Copse – Local Nature Reserve Management Board (1)	Maureen Corfield	Cabinet
3. Chichester Business Improvement District Board (1 + alternative rep) chichesterbid.co.uk	Adrian Moss Deputy: Charlie Hastain	Cabinet
4. Chichester Community Development Trust (1)	Jonathan Brown	Cabinet
5. Chichester Conservation Area Advisory Committee (2)	Bill Brisbane Sarah Quail	Annual Council
6. Chichester Festival Theatre (1)	Jess Brown-Fuller	Cabinet
7. Chichester Ship Canal Restoration Project Board (1)	Jonathan Brown	Cabinet
8. Chichester Vision Delivery Steering Group (1)	Jonathan Brown	Cabinet
9. Coastal West Sussex Partnership (1+ substitute)	Adrian Moss Sub: Mark Chilton	Cabinet
10. Coast to Capital Joint Committee (2)	Adrian Moss Harsha Desai	Cabinet
11. Community Safety Partnership (1)	Tracie Bangert	Cabinet
12. District Councils' Network (1)	Adrian Moss	Cabinet
13. Goodwood Aerodrome Consultative Committee (1)	Jo Brookes-Harmer	Cabinet
14. Goodwood Motor Circuit Consultative Committee (1)	Henry Potter	Cabinet
15. iESE Transformation Limited (1) iese.org.uk	No longer operational	Cabinet

16. Local Government Association – Coastal Issues Special Interest Group (1)	Mark Chilton	Cabinet
17. Local Government Association – General Assembly (1)	Adrian Moss	Cabinet
18. Local Government Association – Sparsity Partnership for Delivering Rural Services (1)	Hannah Burton	Cabinet
19. Manhood Peninsula Partnership (1)	Donna Johnson	Cabinet
20. Partnership for Urban South Hampshire (PUSH) (a) PUSH Joint Committee (2) (b) Solent Recreation Mitigation Partnership Project Board (1) (c) Planning & Infrastructure Panel (2)	Bill Brisbane on all plus Officer on PUSH Joint Committee and Planning & Infrastructure Panel	Cabinet
21. Petworth Vision Ltd (1)	Harsha Desai	Cabinet
22. Portsmouth Water Customer Scrutiny Panel (1)	Roy Briscoe	Council
23. Rolls Royce Liaison (1)	James Vivian	Cabinet
24. Rural Mobile Youth Trust (1)		Cabinet
25. South East Employers (1 + substitute)	Iain Ballantyne Sub: Oona Hickson	Cabinet
26. South East England Councils (1)	Adrian Moss	Cabinet
27. Standing Conference on Problems Associated with the Coastline (SCOPAC) (1 + deputy) www.scopac.org.uk	Richard Bates Deputy: Jonathan Brown	Cabinet
28. Sussex Downs and Coastal Plain LEADER Local Action Group (1) SDCP-LEADER-Leaflet.pdf (wsga.co.uk)	Hannah Burton Tim Johnson	Cabinet
29. Sussex Police and Crime Panel (1 + deputy)	Tracie Bangert Val Weller	Annual Council
30. The Parking and Traffic Regulations Outside London Adjudication Joint Committee (1 + deputy)	Harsha Desai Deputy: Adrian Moss	Cabinet
31. Tourism South East (1)	Francis Hobbs	Cabinet
32. Visit Chichester Ltd (1) www.thegreatsussexway.org	Francis Hobbs	Cabinet
33. West Sussex and Greater Brighton Strategic Planning Board (1)	Bill Brisbane	Cabinet
34. West Sussex Civilian Military Partnership Board (1)	Tracie Bangert	Cabinet
35. West Sussex Forum for Accessible Transport (1)	Rhys Chant	Cabinet

36. West Sussex Health and Adult Social Care Committee (1)	Charlie Hastain	Council
37. West Sussex Joint Leaders Group (1)	Adrian Moss	Cabinet
38. West Sussex Rural Partnership (1)	Charles Todhunter	Cabinet
39. Wey and Arun Canal Trust Completion Strategy Steering Group (1)	Gareth Evans	Cabinet
West Sussex Hospitals NHS Trust Council of Governors	Donna Johnson	Council

Longer Term Appointments

Organisation	Current Representative	Proposed Representative 2023/24	Appointed by
40. Bourne Community College Governing Body (1) (usually 4 year appt)	Sarah Peyman for 2022/23	Sarah Peyman	Annual Council
41. Bourne Trust Board (1) (usually 4 year appt)	Sarah Peyman for 2022/23	Sarah Peyman	Annual Council
42. Chichester College Group Corporation Board of Governors (1) (usually 4 year appt)	Oona Hickson		Cabinet
43. Chichester Harbour Conservancy (2 + 2 deputies) (usually 3 year appt)	Stephen Johnson Iain Ballantyne	Richard Bates Mark Chilton	Annual Council
44. Pallant House Gallery – Trust and Company (1) (up to 4 year appt expiring on 30 September any year)	Clare Apel		Cabinet
45. Pallant House Gallery - Public Programmes Advisory Group (up to 4 year appt expiring on 30 September any year)	Tracie Bangert		Cabinet
46. South Downs National Park Authority (1) (appt for the Cllr's Term of Office. www.southdowns.gov.uk)	John Cross		Annual Council

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