

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