AGENDA ITEM NO 6

HALESOWEN AREA COMMITTEE – 13 JULY 2004

TERMS OF REFERENCE AND PROTOCOL FOR AREA COMMITTEES

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

1.0 PURPOSE

1.1 To submit the terms of reference and protocol for Area Committees.

2.0 BACKGROUND

2.1 At the Annual Meeting of the Council held on 24 June 2004, Area Committees were re-appointed with their terms of reference, a copy of which is attached at Appendix 1. The protocol applicable to Area Committees is also attached at Appendix 2.

3.0 PROPOSAL

3.1 That the terms of reference and protocol for Area Committees, as attached hereto, be noted.

4.0 FINANCE

4.1 There are no direct financial implications arising from this report.

5.0 LAW

5.1 Sections 101 and 102 of the Local Government Act 1972 enable the Council to appoint Committees and delegate functions to them.

5.2 By virtue of the Local Government (Committees and Political Groups) Regulations 1990, the rules on proportionality regarding the allocation of seats to political groups do not apply to the Area Committees, provided the membership of the Area Committee comprises ward members from the area.

6.0 EQUAL OPPORTUNITIES

6.1 The establishment of Area Committees enables the Council's decision making processes to reflect local views. Each of the Area Committees is under a duty to consult the public on Council Services, initiatives and plans, incorporating the need to ensure that minority and disadvantaged groups in the community are included within this process.

7.0 RECOMMENDATION

7.1 That the proposal set out in Section 3.1 above be approved.

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DIRECTOR OF LAW AND PROPERTY

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10.01 Area Committees

The Council may appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

10.02 Form, composition and function

(a) The Council will appoint the following Area Committee with the terms of reference indicated:-

Name of Committee	Composition	Terms of Reference
Halesowen	Members of the Council representing the Belle Vale, Cradley & Foxcote, Halesowen North, Halesowen South, Hayley Green and Cradley South wards.	1. To determine proposals for the deployment of the delegated capital budget allocation. 2. To develop and introduce a local community plan for their Area. 3. To consider issues of local relevance raised by the public, local organisations or members of the Area Committee. 4. To be consulted on relevant local service delivery issues in relation to the following: Social Services Housing Education (ie: schools, pre-school and community and lifelong learning) Environmental Health Highways and Transportation Leisure.

Name of Committee	Composition	Terms of Reference
		5. To be consulted on issues regarding Council-owned land within their area, including disposals, acquisitions, wayleaves, easements and restrictive covenants on land formerly owned by the Council. 6. To be consulted on any planning application which would have a significant impact on a substantial part of their area. 7. To be consulted on draft supplementary planning guidance, development briefs, designation of conservation areas and the exercise of compulsory purchase powers. 8. The administration of local charities for their area, where the Council has been appointed trustee. 9. To make representations about the naming of streets, numbering of houses, public seats, public monuments and statues.

(b) Delegations

The Council and the Executive will include details of the delegations to Area Committees in Part 3 of this Constitution.

10.03 Conflicts of Interest - Membership of Area Committees and Select Committees

(a) Conflict of interest

If a Select Committee is scrutinising specific decisions or proposals in relation to the business of the Area Committee of which the councillor concerned is a member, then the councillor may not speak or vote at the Select Committee meeting unless a dispensation to do so is given by the Standards Committee.

(b) General policy reviews

Where the Select Committee is reviewing policy generally the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

10.04 Area Committees - Access to Information

Area Committees will comply with the Access to Information Procedure Rules in Part 4 of this Constitution.

Agendas and notices for Area Committee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which.

10.05 Lead Members on Area Committees

A Lead Member may serve on an Area Committee if otherwise eligible to do so as a councillor.

10.06 Area Committee Chairmen

The Chairmen of Area Committees will meet on a regular basis to discuss the operation and functions of Area Committees.

10.07 Area Committees – Protocol

The protocol for Area Committees in Part 6 of this Constitution shall apply to meetings of Area Committees.

PROTOCOL FOR AREA COMMITTEES APPENDIX 2

(Consolidates previous protocols and codes and sets out revised arrangements for agenda planning and management for area committee business).

1. Chairman and Vice Chairman

Each area committee will elect its own Chairman and Vice-Chairman at its first meeting in each Municipal Year.

2. Co-option

At the inaugural meeting of an area committee, or at any time thereafter, an area committee may co-opt on to the committee, for a fixed term of one municipal year (or the remainder thereof), up to five persons, without voting rights, having due regard to the extent to which those persons represent interests of importance within the communities served by that area committee. Such co-optees shall not represent the views of any political party on the area committee.

3. Other attendees

The Police, Health Services and the Dudley Council for Voluntary Service will be expressly invited to have a representative in attendance at each area committee meeting.

4. Lead Officers

The nominated Liaison Officers for area committees are:-

Brierley Hill – Eric Lowson
Central Dudley – Linda Warren
North Dudley – John Freeman
Halesowen – Mike Williams
Stourbridge – John Polychronakis

5. The Council's Constitution

Area committees are formal committees of the Council and they must therefore comply with the requirements of the Council's Constitution. This Code should therefore be read in conjunction with all other relevant parts of the Constitution.

6. Public Consultation

Each area committee must follow the Council's principles on consultation and should be innovative in involving the public in their meetings, particularly where this is being done as part of the Council's consultation processes. For example, breaking up audiences into smaller groups to consider specific issues may be appropriate.

7. Public participation

(a) Each area committee will dedicate a part of each meeting to a public forum at which it will be open to any member of the public to address the committee. The length of time allocated and the rules governing the exercise of the public right to speak will be within the discretion of each area committee.

(b) A report summarising responses sent in writing to members of the public in respect of questions asked by them at area committee meetings will be submitted to the following meeting of the relevant committee.

8. Confidential or exempt business

If any area committee has to conduct any confidential or exempt business this should normally be done before the public part of the meeting and preferably in a separate room.

9. Agenda Planning and Management

(a) Notification of items for the agenda

Notice of items for area committee agendas must be given to the Democratic Services Section no later than 5 working days prior to the agenda meeting.

(b) Youth Issues

Where arrangements are in place for a meeting of youth representatives to take place immediately prior to the Area Committee meeting to consider matters on the agenda for the

Area Committee, an item entitled “Matters arising from youth representatives’ meeting” will be included early in the agenda for the Area Committee.

(c) Agenda Meeting

The agenda for each area committee will be set by its Chairman in consultation with its Liaison Officer and will include any items referred to it by the Council, the Executive, any Council committee or any Director in the exercise of any delegated decision-making responsibility.

Draft reports will be considered at an agenda meeting held not less than 20 working days before the meeting. This meeting will be arranged by the Democratic Services Section, who will consult with the appropriate Liaison Officer as to the date, time and venue of it. Agenda meetings will be arranged as soon as the dates for area committee meetings are known.

(d) Submission, Circulation and Consideration of draft reports.

Draft reports should be submitted to the Democratic Services Section (preferably at least three working days) prior to the agenda meeting and they will then be circulated by the Democratic Services Officer. Where draft reports are not available prior to the agenda meeting they must be available at it. If a draft report is not available for consideration at the agenda meeting the item and report will not normally be included on the agenda for that particular meeting. Democratic Services Officers will satisfy themselves that the content of the draft report accords with the relevant guidelines and advice in this Code. Where any draft report appears to be in contravention of the guidance it shall be the duty of the Democratic Services Officer to draw this to the attention of the report author, with a view to the report being brought into line with such guidance.

Directorates submitting items and/or reports must be represented at the agenda meeting to explain the background to and content of their report. Where a Directorate fails to be so represented, the Lead Officer will have the authority to withdraw that item or report from the agenda.

(e) Chairman's Briefing

Before the finalised agenda is despatched the Democratic Services Officer will arrange a briefing for the Chairman and Vice-Chairman of the area committee. This will be attended by the Liaison Officer and those officers who have prepared reports for the meeting.

(f) Form of Reports

A standard form of report is to be adopted by all officers, with the following section headings:-

Purpose
Background
Proposals
Finance
Law
Equal Opportunities
Recommendations
Background papers

After provision for the report to be signed, the name and telephone number of the report author must be added as a contact point.

(g) Background Papers

The law requires that every report sets out a list of those documents (called background papers) which disclose facts or matters on which the report is based and which have been relied on to a material extent in preparing the report. Published works

or documents containing exempt or confidential information do not need to be included in the list. The list should be set out at the end of the report under the heading “Background Papers”.

(h) Guidance on the content of reports

Reports must be written in plain English and jargon should not be used, nor initials when reference is first made in the report to an item or an organisation.

If the recommendations in a report are subject to the approval of another Committee, the Executive or the Council that must be made clear. If the functions are not delegated to the Area Committee the recommendations in the report must be phrased as subject to the approval of the Executive or the Council . Recommendations shall include every point to be determined. Recommendations shall identify the officer or Member who will be responsible for carrying the decision into effect.

Reports will normally be specific to one area committee. Where a report needs to be considered by more than one area committee the approval of the Chairmen of area committees must be obtained. This will be done by the Democratic Services Section either through the regular meeting of area committee Chairmen or separately.

Reports must be relevant to the area committee to which they are being submitted. Where the same report is being submitted to more than one area committee, or indeed to all area committees, it must be “tailored” so as to be clearly relevant to each area committee to which it is being submitted. In other words it must identify service issues within the area of that particular Area Committee.

If the report is considered to be confidential or exempt, every page of it must be marked “NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH(S) …. OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972”. The report author will liaise with the appropriate solicitor to agree the relevant paragraph number.

(i) Finalising and circulating the agenda and reports

The agenda will contain only those items and reports which have met the requirements of this Protocol.

Any comments on draft reports must be submitted to the report author before the deadline referred to in the next paragraph. By this deadline the Director of Law and Property must have satisfied himself that the matter falls within the functions of the committee and that the requirements of the Council's Constitution have been met. Similarly the Director of Finance will have satisfied himself that the finance section of the report properly reflects the financial position and that the requirements of the Financial Management Regime and Financial Regulations have been met. All other officers will have made comments relating to their areas of responsibility and the Liaison Officer for the Committee will have indicated his approval to the report proceeding in the form in which it is drafted.

The report in its final form must be submitted electronically to the Democratic Services Section not less than 13 working days before the meeting. The report author will retain the background documents listed in the report. These are required by law to remain open for public inspection for four years after the date of the meeting.

The Democratic Services Section will finalise the agenda, produce the necessary copies of the agenda and reports and circulate them not less than 10 working days before the meeting.

Reports to be considered when the public have been excluded will be printed on a separate colour.

(j) Urgent Items

If a matter is so urgent that it cannot meet the procedures and deadlines referred to above and cannot await the next ordinary meeting of the area committee, the Director of Law and Property, in consultation with the Chairman and Liaison Officer, will

consider convening a special meeting of the committee. The procedure for producing reports for the special meeting will follow that for an ordinary meeting.

(k) Post-Meeting Work

Minutes of the meetings of each area committee will be taken by a Democratic Services Officer for inclusion in the "White Book" of minutes to be considered by the full Council.

The Democratic Services Officer will circulate the draft minutes and any requisite summaries of exempt items to appropriate Liaison Officers and other relevant officers before finalising them. A decision summary will be circulated by e-mail the next working day following the meeting.

Within 5 working days after the meeting there will be a de-briefing meeting of relevant officers, convened by the Democratic Services Officer, in order to determine which officers will be responsible for implementing the decisions of the area committee. This will be confirmed in a note circulated by the Democratic Services Officer.

Where a matter needs to be referred on to the Executive the Democratic Services Officer will prepare the requisite draft report and circulate this for comment as necessary. Only one report on a matter will be submitted to the Executive even if the matter has been considered by more than one area committee.

10. Documents to be Available to Members

Any document which is available for public inspection will be made available for inspection by any member on request.

11. Directorate Representation at Meetings

Each Directorate shall make arrangements to be represented at area committee meetings by an officer(s) with an appropriate understanding of the service issues likely to emerge at the meeting, both in terms of presenting reports from their Directorate and answering questions from the public. With the prior consent of the Liaison Officer a Directorate may be permitted not to send a

representative if it is unlikely that there would be any questions relating to the functions of that Directorate raised at the meeting.

12. Presentations at Meetings

All presentations made at area committees shall be delivered so as to be both audible and visible to the committee and to members of the public present. Presentations shall be concise and relevant to the report/recommendations before the committee. Officers planning to make presentations are encouraged to consult the Council's Marketing Section for advice as to the effective delivery of their presentation.

13. Role Of Area Chairmen

Area Chairmen collectively have the following specific responsibilities:-

- To be consulted in advance on matters proposed for inclusion on the agenda for area committees as public consultation issues.
- To be consulted in advance on matters proposed for inclusion on the agenda for more than area committee in the same cycle of meetings.
- To consider any matters relating to this Protocol arising from area committee meetings.
- To consider any issues arising from the previous cycle of area committees.
- To consider any issues included on the agendas for the next cycle of area committee meetings.
- To consider any issues arising from the terms of reference of area committees which have implications for more than one area committee.
- Periodically to consider feedback received from members of the public following their attendance at area committee meetings.

14. Role Of Liaison Officers

Liaison Officers have the following specific responsibilities:-

- To ensure that their Chairman is adequately consulted and briefed on all matters coming before the area committee.

- In consultation with their Area Committee Chairman to be the final arbiter on all matters relating to agenda planning and management for their area committee. This includes their right, after consultation with their Chairman, to omit items/reports from the agenda for an area committee meeting if the requirements of this Protocol as to the notification of any item or the compilation of a report have not been met.

- In consultation with the relevant Lead Officers from the Directorates concerned, to be responsible for ensuring that all decisions taken by their area committee are implemented.

15. Timetabling of Meetings

The timetable of meetings for area committees shall be that set out in the calendar of meetings approved annually by the Council.

16. Venues For Meetings/Health And Safety Considerations

The venues for meetings of area committees shall be determined by each area committee, but in determining venues all relevant health and safety issues shall be taken into consideration.

Democratic Services,
January, 2004