

Report to Governance Committee

15 November 2021

Minor Changes to the Constitution, including Regulation, Audit and Accounts Committee terms of reference

Report by Director of Law and Assurance

Electoral division(s): Not applicable

Summary

Following a review of the terms of reference of the Regulation, Audit and Accounts Committee, specifically in relation to its licencing and regulatory functions, a number of updates and changes need to be reflected.

The proposed changes are set out in Part 3, Appendix 5 of the Constitution and the proposed changes are shown in Appendix 1 to the report.

Other minor updates to the Constitution are required and are set out in Appendix 2. These include the deletion of the Propco Panel following the establishment of the property joint venture partnership.

Recommendations

- (1) That the proposed changes to Part 3, Appendix 5 of the Constitution, as set out in Appendix 1, be endorsed for submission to the County Council for approval; and
 - (2) That the minor changes to the Constitution, as set out in Appendix 2, be endorsed for submission to the County Council for approval.
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Proposal

1 Background and context

- 1.1 The Regulation, Audit and Accounts Committee is responsible for a wide range of the Council's non-executive functions that cannot be exercised by the Cabinet. The 'regulation' aspect of the Committee covers a range of regulatory and licencing functions, most of which are delegated to officers.
- 1.2 Officers have reviewed this section of the Committee's terms of reference and a number of changes to legislation in recent years have meant that changes are required to the terms of reference. The delegated activities have continued without any disruption. The terms of reference simply need to be updated to reflect current statutory responsibilities.
- 1.3 The terms of reference are set out in Part 3, Appendix 5 of the Constitution.

2 Proposal details

- 2.1 The proposed changes to the Regulation, Audit and Accounts Committee's terms of reference are attached at Appendix 1. As well as updating references, the officer delegation is listed more consistently, to make it clearer to the Committee where the delegation is made.
- 2.2 Minor updates are set out about premises licenced for marriages and civil partnerships as well as for dealing with explosives applications. The former requirements for an explosives panel were removed by more recent legislation, so public hearings would now be delegated to officers.
- 2.3 The most substantial change is that the Council no longer has any role in licencing of poisons. This is now carried out by the Home Office. Petroleum Licences is a continuing function that is highlighted more clearly in the terms of reference.
- 2.4 Other minor changes to the Constitution are proposed, mostly consequential to previous changes in the Constitution, to ensure that the document is consistent.
- 2.5 The Propco Panel is now obsolete due to the establishment of the Joint Venture Partnership which will deal with investment plans for Council controlled land. Its governance arrangements have previously been approved and Performance and Finance Scrutiny has been updated on the progress of the joint venture. The Panel's terms of reference are therefore recommended for deletion from the Constitution, as shown in Appendix 2.
- 2.6 All scrutiny committees are now able to refer a significant matter to the County Council, as the Performance and Finance Scrutiny Committee no longer has a role in co-ordinating this. The changes required to the Constitution are also included in Appendix 2.

3 Other options considered (and reasons for not proposing)

- 3.1 Not applicable.

4 Consultation, engagement and advice

- 4.1 The Chairman and Vice-Chairman of the Regulation, Audit and Accounts Committee have been consulted on the proposed changes to that Committee's terms of reference and were supportive.

5 Finance

- 5.1 There are no revenue or capital budget consequences.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
Terms of reference if outdated can undermine the Council's performance of those functions.	These proposed changes will ensure that the Regulation, Audit and Accounts Committee's terms of reference are up to date.

7 Policy alignment and compliance

- 7.1 Not applicable.

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Appendices

Appendix 1 - Regulation, Audit and Accounts Committee, updates to licencing and regulatory legislation

Appendix 2 - Proposed minor changes to other sections of the Constitution

Background papers – None