



City of Westminster

# General Purposes Committee

<b>Date:</b>	<b>Wednesday 18 January 2017</b>
<b>Classification:</b>	<b>For General Release</b>
<b>Title:</b>	<b>Constitutional Issues</b>
<b>Report of:</b>	<b>Head of Committee and Governance Services</b>
<b>Wards Involved:</b>	<b>Not Applicable</b>
<b>Financial Summary:</b>	<b>There are no financial implications</b>
<b>Report Author and Contact Details:</b>	<b>Mick Steward Tel: 020 7641 3134 Email: <a href="mailto:msteward@westminster.gov.uk">msteward@westminster.gov.uk</a></b>

## 1. Executive Summary

- 1.1 The recommendations in this report are submitted at the request of the Chief Whip of the Majority Party. They arise from the intention that Councillor Nickie Aiken, the Leader of the Majority Party, be nominated and formally elected Leader of the Council at the Council meeting on Wednesday 25 January 2017.
- 1.2 The reason and background for each of the recommendations is set out in the main body of the report.

## 2. Recommendations

- 2.1 That the Council be recommended to abolish Planning Applications Committee (5) and the City Plan Sub-Committee and that a new City Planning and Development Committee, with the Constitution and terms of reference as set out in Appendix A, be approved.
- 2.2 That the Council be recommended to approve the change of names of the Policy and Scrutiny Committees as set out below and their new terms of reference as set out in Appendix B.

Adults, Health and Public Protection - unchanged  
 Housing, Finance and Corporate Services - unchanged  
 Children, Environment and Leisure – from Children, Sports and Leisure  
 Business, Planning and Transport – from Environment and Customer Services

- 2.3 That the Council be recommended to appoint Councillors Julia Alexander and Karen Scarborough to replace Councillors Nickie Aiken and Nick Evans as members of the Licensing Committee.

### **3. Background Information**

- 3.1 The Leader of the Majority Party has indicated that she would like a separate Committee, similar to that of the Licensing Committee, to be able to have sight, for consultation purposes, of proposed planning policy recommendations to the relevant Cabinet Member as the Committee sees fit. As this is currently the remit of the City Plan **Sub-Committee** it is proposed that this Sub-Committee be abolished.
- 3.2 The new City Planning and Development Committee (CP&D) is proposed to be constituted of 16 members (12 Majority party and 4 Minority party members). All being members of the four Planning Applications Committees. The CP&D Committee will be able to discuss issues common to all Committees and receive training on matters relating to their work.
- 3.3 Following the Cabinet re-shuffle announced by the Leader of the Majority Party, subject to her being formally elected Leader of the Council on 25 January 2017, some minor changes to the names and the Terms of References of Policy and Scrutiny Committees is required.
- 3.4 The revised Terms of Reference are as set out in Appendix A. These set out the revised reporting lines for Cabinet Members. As a result of the revised terms of reference more suitable names for the existing Policy and Scrutiny Committees are suggested. The proposed names are set out in recommendation 2.2 above.
- 3.5 The appointment of Members to the Licensing Committee is a matter reserved to full Council. Accordingly, the Council must be asked to agree the change in membership.
- 3.6 Arrangements will be made for Councillors Alexander and Scarborough to receive the necessary training to enable her to sit on the Licensing Sub-Committees which consider applications and reviews in accordance with the Licensing Act 2003.
- 3.7 Section 15 of the Local Government and Housing Act 1989 (rules relating to proportionality on Committees and Sub-Committees) does not apply to the Licensing Committee or its Sub-Committees.

### **4. Legal Implications**

- 4.1 There are no legal implications arising from the contents of this report. The Council is required to have at least one Committee appointed to carry out the Policy and Scrutiny functions. No review of the proportionality of seats on Committees is triggered by these changes. The next review will be reported to the Annual Council meeting on 17 May 2017.

### **6. Financial Implications**

None.

**please contact Mick Steward: 7641 3134;  
Email: [msteward@westminster.gov.uk](mailto:msteward@westminster.gov.uk)**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1972  
BACKGROUND PAPERS - None**

## **APPENDIX A**

### **City Planning and Development Committee**

#### **Constitution**

16 members of the Council (12 Majority party members and 4 Minority party members). Such members to be members of the Planning Applications Committees (Nos 1 to 4).

#### **Terms of Reference**

1. To consider proposed local plan policies (and supplementary planning documents) at appropriate stages of the statutory process for their preparation and adoption and make recommendations to the relevant Cabinet Member.
2. To have oversight of the practices and procedures of the Planning Applications Committees (but not to consider individual planning applications) making recommendations where necessary to officers, Planning Applications Committees and/or the Cabinet Member for Planning and Public Realm.
3. To consider and recommend a training programme for members of the Planning Applications Committees.

## **APPENDIX B**

### **ADULTS, HEALTH AND PUBLIC PROTECTION POLICY AND SCRUTINY COMMITTEE**

#### CONSTITUTION

8 Members of the Council (6 Majority Party Members and 2 Minority Party Member), but shall not include a Member of the Cabinet.

#### TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Adult Social Services and Public Health and the Cabinet Member for Public Protection and Licensing.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies and in particular to scrutinise matters relating to the provision of Health Services within Westminster, including the consideration of any reports referred by the local Health Watch.
- (d) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (e) To scrutinise any Tri-borough proposals which impact on service areas that fall within the Committee's terms of reference.
- (f) Any other matter allocated by the Westminster Scrutiny Commission.
- (g) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (h) To oversee any issues relating to Performance within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations that are relevant to the remit of the Committee.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.
- (k) To discharge the Council's statutory responsibilities under Section 7 and 11 of the Health and Social Care Act 2001 with regard to any planned substantial developments and variations to NHS services.
- (l) To oversee strategic and accountability issues within local health commissioners and providers.

## **CHILDREN, ENVIRONMENT AND LEISURE POLICY AND SCRUTINY COMMITTEE**

### **CONSTITUTION**

8 Members of the Council (6 Majority Party Members and 2 Minority Party Members, but shall not include a Member of the Cabinet.

4 co-opted Members with voting rights ie one co-opted representative each from the Church of England and Roman Catholic Diocesan Education Boards and two Parent Governor Representatives. 2 co-opted Members without voting rights, ie 2 Headteachers of Westminster maintained schools.

NB: The voting rights of the co-opted only extend to matters relating to Education.

### **TERMS OF REFERENCE**

- (a) To carry out the Policy and Scrutiny functions, as set out in Article 6 of the Constitution, in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Children, Families and Young People and the Cabinet Member for Environment, Sports and Community.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters, within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission.
- (e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the Scrutiny of functions within these terms of reference.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Tri-borough proposals which impact on service areas that fall within the Committee's terms of reference
- (h) To oversee any issues relating to Performance that fall within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations that are relevant to the remit of the Committee.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

## **HOUSING, FINANCE AND CORPORATE SERVICES POLICY AND SCRUTINY COMMITTEE**

### CONSTITUTION

8 Members of the Council (6 Majority Party Members and 2 Minority Party Members), but shall not include a Member of the Cabinet.

### TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Housing and Cabinet Member for Finance and Property, Corporate Services.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission.
- (e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Tri-borough proposals which impact on service areas that fall within the Committee's terms of reference.
- (h) To oversee any issues relating to Performance within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations under a duty to that are relevant to the remit of the Committee.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

## **BUSINESS PLANNING AND TRANSPORT POLICY AND SCRUTINY COMMITTEE**

### CONSTITUTION

8 Members of the Council (6 Majority Party Members and 2 Minority Party Members).

### TERMS OF REFERENCE

- (a) To carry out the Policy and Scrutiny functions, as set out in Article 6 of the Constitution in respect of matters relating to all those duties within the terms of reference of the Cabinet Member for Business, Culture and Heritage, Cabinet Member for Planning and Public Realm and Cabinet Member for City Highways.
- (b) To carry out the Policy and Scrutiny function in respect of matters within the remit of the Council's non-executive Committees and Sub-Committees, which are within the broad remit of the Committee, in accordance with paragraph 13 (a) of the Policy and Scrutiny procedure rules.
- (c) Matters within the broad remit of the Cabinet Members referred to in (a) above which are the responsibility of external agencies.
- (d) Any other matter allocated by the Westminster Scrutiny Commission (WSC).
- (e) To have the power to establish ad hoc or Standing Sub-Committees as Task Groups to carry out the scrutiny of functions within these terms of reference.
- (f) To scrutinise the duties of the Lead Members which fall within the remit of the Committee or as otherwise allocated by the Westminster Scrutiny Commission.
- (g) To scrutinise any Tri-borough proposals which impact on service areas that fall within the Committee's terms of reference
- (h) To oversee any issues relating to Performance that fall within the Committee's terms of reference.
- (i) To have the power to scrutinise those partner organisations whose services fall within the Committee's terms of reference.
- (j) To consider any Councillor Calls for Action referred by a Ward Member to the Committee.

## **REPORT OF THE GENERAL PURPOSES COMMITTEE HELD ON WEDNESDAY 18 JANUARY 2017**

**Present:** Councillors Tim Mitchell (Chairman), Robert Davis, MBE, DL (Vice-Chairman), David Boothroyd and Melvyn Caplan

### **1. Constitutional Issues**

- (a) The Leader of the Majority Party has, subject to her being elected as Leader of the Council, made changes to her proposed Cabinet to which constitutional changes arise, as follows:
- (i) **Planning:** It is proposed to abolish the current City Plan Sub-Committee and Planning Applications Committee No 5. The work of the City Plan Sub-Committee being undertaken by a new City Planning and Development Committee whose terms of reference and Constitution are fully set out in the report we considered attached as Appendix C. The work of Planning Applications Committee No 5 will be absorbed by the remaining Planning Applications Committees.
  - (ii) **Policy and Scrutiny Committees:** The proposals result from the changes to Cabinet Member portfolios and the new names, where necessary and revised terms of reference are included in Appendix C for approval.
  - (iii) **Licensing Committee Membership:** The Majority party wish to replace Councillors Aiken and Evans with Councillors Alexandra and Scarborough. The full Council is asked to approve these changes.

We recommended that the Council approve the changes to Committees/Sub-Committees, including terms of reference and memberships of the Licensing Committee, as set out in Appendix C.

Tim Mitchell, Chairman

### **Background Papers**

Report/Minutes of General Purposes Committee – 18 January 2017