

# **CHAPTER 5 – COMMITTEES**

## **22. The Committees and Sub-Committees of the Council**

General Purposes and Licensing Committee

Appeals Sub-Committee

Licensing Sub-Committee

Rights of Way Sub-Committee

Audit and Risk Management Committee

Pensions Committee

Development Control Committee

Plans Sub-Committees

Urgency Committee

Standards Committee

Standing Advisory Council on Religious Education (SACRE)

Health & Wellbeing Board

## **23. The Committees Terms of Reference**

### **General Purposes and Licensing Committee**

(Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)

- (a) Electoral issues
- (b) Making byelaws
- (c) Staffing matters
- (d) Open Government
- (e) Complaint Procedures
- (f) Member appointments
- (g) Health and Safety
- (h) Licensing of births, deaths and marriages
- (i) Licensing matters, including, where appropriate, determining cases relating to individual licenses.
- (j) Non-executive highway functions as set out in Schedule 1 to the Functions Regulations (excluding functions under the Town and Country Planning Act 1990)
- (k) Any non-executive function not delegated elsewhere or reserved to Council.

## **Appeals Sub-Committee**

(Membership excluding Members of the Executive drawn from a panel appointed by the Council and constituted as and when necessary by the Council or, where delegated, named decision-maker.)

To determine appeals against any decision of the Council including:

- staff dismissal, discipline, grading, capability, early retirement, pension entitlement or other reasons
- access to information
- social services matters including domiciliary charges, registration of child minders, persons providing day care for children, registration of residential care homes and others, which carry a statutory right of appeal
- education transport appeals.
- internal reviews relating to listing and compensation appeals under the community right to bid

(Note: This Sub-Committee will not consider appeals by Chief Officers concerning appraisal, disciplinary investigations or disciplinary matters).

## **Licensing Sub-Committee**

(Three Members to be drawn from the General Purposes and Licensing Committee and to include no more than one Member of the Executive)

Concurrently with General Purposes and Licensing Committee -

1. Gaming, entertainment, food and miscellaneous licensing and functions relating to licensing and registration as set out in Schedule 1 of the Functions Regulations.
2. All functions arising pursuant to the Licensing Act 2003 apart from a function conferred by Section 5 of that Act in respect of the Statement of Licensing policy.

## **Rights of Way Sub-Committee**

(Membership proportional – may include one Member of the Executive from each recognised party group subject to Executive Members not being in the majority)

Functions relating to non-vehicular highway matters within the remit of the General Purposes & Licensing Committee and those vehicular highways within the terms of reference of the General Purposes and Licensing Committee, associated with routes shown, or capable of being shown, on the Definitive Map of Public Rights of Way.

## **Audit and Risk Management Committee**

(Membership proportional, to exclude any member of the Executive, and to include up to two independent co-opted members.)

- To approve the internal audit charter.
- To approve the risk-based internal audit plan.
- To consider reports from the Head of Audit and Assurance on internal audit performance and outcomes during the year, including key findings and actions and areas where management has accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
- To consider the Head of Audit and Assurance's annual report and opinion.
- To have oversight of, and contribute towards, the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- To ensure the independence of Internal Audit, through making appropriate enquiries of both management and the Head of Audit and Assurance to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Audit and Assurance. To approve and periodically review safeguards to limit such impairments.
- Consider the reports of external audit and inspection agencies.
- To monitor the effective development and operation of Risk Management in the Council.
- To monitor the Counter Fraud and Corruption strategy, actions and resources
- To monitor the effectiveness of Counter Fraud arrangements including assessment of fraud risks, actions and responses
- Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- To review and approve the Annual Governance Statement, ensuring that this properly reflects the risk environment and any actions required to improve it.
- Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is demonstrated and actively promoted.
- Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

## **Pensions Committee**

(Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)

- (a) monitoring the financial position of the Pension Fund, including consideration of the triennial actuarial valuations;
- (b) investment of the Pension Fund, including the appointment of investment managers;
- (c) management of the Council's additional voluntary contributions (AVC) scheme;

## **Development Control Committee**

(Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)

1. **Planning and Conservation and Building Control.** All the Council's powers and duties relating to town and country planning and development control and building control as specified in Schedule 1 of the Functions Regulations, including, where appropriate, determining cases relating to individual sites, and additionally determining applications for reserved matters for approval, details required by condition and non-material amendments, and to exercise the prior approval functions under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (call-in still applies,) the granting or refusing of Advertisement Consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and the granting or refusal of lawful development certificates under Section 191 and 192 of the Town and Country Planning Act 1990.
2. **Local Plan and Development Documents.** To be responsible for preparing, revising and recommending the Plan to the Executive.
3. **Highways use and regulation.** The exercise of powers relating to the regulation of the use of highways under the Town and Country Planning Act 1990, as set out in Schedule 1 to the Functions Regulations.
4. **Common land and village greens.** Power to register common land or village greens and to register variation of rights of common.



## **Plans Sub-Committees**

(Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)

Concurrently with Development Control Committee -

1. To exercise all the powers and duties of the Council as local planning authority – as set out in Schedule 1 of the Functions Regulations and additionally determining applications for reserved matters for approval, details required by condition and non-material amendments, and to exercise the prior approval functions under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (Call-in still applies) the granting or refusing of Advertisement Consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and the granting or refusal of lawful development certificates under Section 191 and 192 of the Town and Country Planning Act 1990
2. To exercise all the powers and duties of the Council in relation to Building Control matters – as set out in Schedule 1 to the Functions Regulations.

## **Urgency Committee**

(Seven Members, comprising the Mayor, the Chairperson of the General Purposes and Licensing Committee, the Chairperson of the Executive, Resources and Contracts PDS Committee, the relevant Portfolio Holder or Committee Chairperson and the Leaders of the three largest party groups).

To deal with urgent non-executive decisions that are not of a sensitive nature – any such decisions made shall be reported to the next available meeting of the full Council.

## **Standards Committee**

The Standards Committee will have a membership comprising one member from each minority group and sufficient members of the majority group to maintain a majority.

Members of the Executive may sit on the Standards Committee, subject to not being in a majority.

The Chairperson will be appointed from, and by, members of the Standards Committee and will hold office for one year.

Independent Persons appointed under the Localism Act 2011 shall be entitled to attend and speak at all meetings of the Standards Committee.

## **Role and Function**

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and Church and Parent Governor representatives.
- (b) Assisting the Councillors, co-opted members and Church and Parent Governor representatives to observe the requirements on declaring pecuniary interests within the Members Code of Conduct and associated local protocols.
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct and associated local protocols.
- (d) Monitoring and reviewing the operation of the Members Code of Conduct and associated local protocols.
- (e) Developing for recommendation to the Council, local protocols to supplement the Members' Code of Conduct.
- (f) Enforcing local protocols and applying sanctions in respect of breaches of the Members' Code of Conduct as appropriate.
- (g) Advising, training or arranging to train Councillors, co-opted members and Church and Parent Governor representatives on matters relating to the declaration of pecuniary interests, Members' Code of Conduct and associated local protocols.
- (h) Hearing cases against Councillors, in accordance with section 28 of the [Localism Act 2011](#).
- (i) To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations.
- (j) To monitor the Officers' Code of Conduct to ensure consistent application and enforcement Council-wide.
- (k) General overview of probity matters arising from Ombudsman reports, Monitoring Officer reports, Audit and Risk Management Committee reports and ethical indicators.
- (l) To consider any applications for dispensations from councillors and co-opted members to allow them to participate in decisions.

## **Standing Advisory Council on Religious Education (SACRE)**

(Seven Members)

An independent Statutory body charged to advise the Council upon matters connected with religious worship in schools and the religious education to be given in accordance with an Agreed Syllabus.

## Health & Wellbeing Board

(11 Elected Members, including one representative from each of the two Opposition Parties; the two statutory Chief Officers (without voting rights); two representatives from the Clinical Commissioning Group (with voting rights); a Health Watch representative (with voting rights) and a representative from the Voluntary Sector (with voting rights).

The Chairperson of the Board will be an Elected Member appointed by the Leader. The quorum is one-third of Members of the Board providing that elected Members represent at least one half of those present. Substitution is permitted. Other members without voting rights can be co-opted as necessary.)

1. Providing borough-wide strategic leadership to public health, health commissioning and adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts.
2. Commissioning and publishing the Joint Strategic Needs Assessment (JSNA) under the Health and Social Care Act 2012.
3. Commissioning and publishing a Joint Local Health & Wellbeing Strategy (JLHWS) – a high level strategic plan that identifies, from the JSNA and the national outcomes frameworks, needs and priority outcomes across the local population, which it will expect to see reflected in local commissioning plans.
4. Receiving the annual CCG commissioning plan for comment, with the reserved powers to refer the CCG commissioning plan to the NHS Commissioning Board should it not address sufficiently the priorities given by the JSNA.
5. Holding to account all areas of the Council, and other stakeholders as appropriate, to ensure their annual plans reflect the priorities identified within the JSNA.
6. Supporting joint commissioning and pooled budget arrangements where it is agreed by the Board that this is appropriate.
7. Promoting integration and joint working in health and social care across the borough.
8. Involving users and the public, including to communicate and explain the JLHWS to local organisations and residents.
9. Monitor the outcomes and goals set out in the JLHWS and use its authority to ensure that the public health, health commissioning and adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the Borough.
10. Undertaking and overseeing mandatory duties on behalf of the Secretary of State for Health and given to Health and Wellbeing Boards as required by Parliament.
11. Other such functions as may be delegated to the Board by the Council or Executive as appropriate.

## **24. Area Committees and Forums**

### **24.1 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.

### **24.2 Form, composition and function**

Area Committees may set up local mechanisms such as Sub-Committees or Panels to deal with locality issues.

### **24.3 Conflicts of interest – membership of Area Committees and Policy Development and Scrutiny Committees**

#### **(a) Conflict of interest**

If a Policy Development and Scrutiny Committee is scrutinising specific 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 Policy Development and Scrutiny Committee meeting unless a dispensation to do so has been given by the Standards Committee.

#### **(b) General policy reviews**

Where the Policy Development and Scrutiny Committee is reviewing policy generally the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

### **24.4 Area Committees – access to information**

Area Committees will comply with the Access to Information Rules in **Chapter 8** of this Constitution.

### **24.5 Executive Members on Area Committees**

A Member of the Executive may serve on an Area Committee if otherwise eligible to do so as a Councillor.

### **24.6 Area Committees – Terms of Reference**

- (a) to advise the Executive and/or Policy Development and Scrutiny Committee(s) on the local implications of service delivery across all of the functions of the Council;
- (b) to consider those Best Value Reviews which have an area dimension and submit views thereon to the relevant Policy Development and Scrutiny Committee;
- (c) to consider the local impact of the Community Plan and advise the Executive and/or Policy Development and Scrutiny Committee of their views;
- (d) to assist the Council in all its roles particularly as “Community Leader” and Councillors in their “Representational” role.