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APPENDIX 1 (ANNEX 2)

TERMS OF REFERENCE OF THE COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES OF COUNCIL

COMMITTEE OF FULL COUNCIL

To determine any matter referred to it by the Mayor, the Council, Cabinet or any Committee of the Council and not otherwise reserved to Full Council. The Committee of Full Council is chaired by the Leader of the Council.

AUDIT AND **RISK-STANDARDS** COMMITTEE

Governance, Risk and Control

1. To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.

2. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.

3. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

4. To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

5. To monitor the effective development and operation of risk management in the council.

6. To monitor progress in addressing risk-related issues reported to the committee.

7. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

8. To review the assessment of fraud risks and potential harm to the council from fraud and corruption.

9. To monitor the counter-fraud strategy, actions and resources.

10. To review the governance and assurance arrangements for significant partnerships and collaborations.

Internal Audit

10. To approve the Internal Audit Charter.

Comment [CE1]: Numbers 1- 33 are suggested Terms of reference in the CIPFA Practical Guidance

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11. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

12. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

13. To approve significant interim changes to the risk-based internal audit plan and resource requirements.

14. To make appropriate enquiries of both management and the Chief Internal Auditor to determine if there are any inappropriate scope or resource limitations.

15. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.

16. To consider reports from the Chief Internal Auditor on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.

b) Regular reports on the results of the Quality Assurance and Improvement Programme.

c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.

17. To consider the Chief Internal Auditor's Annual report:

a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.

b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.

18. To consider summaries of specific internal audit reports as requested.

19. To receive reports outlining the action taken where the Chief Internal Auditor has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

20. To contribute to 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.

21. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.

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22. To provide free and unfettered access to the Audit Committee Chair for the Chief Internal Auditor, including the opportunity for a private meeting with the committee.

External Audit

23. To support the independence of the external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSSA) or the authority's auditor panel as appropriate.

24. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

25. To consider specific reports as agreed with the external auditor.

26. To comment on the scope and depth of external audit work and to ensure it gives value for money.

27. To commission work from internal and external audit.

28. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

29. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.

30. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability Arrangements

31. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.

32. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

33. To publish an annual report on the work of the committee

34. To maintain an overview to ensure compliance with the Council's Constitution in respect of Procedure Rules in relation to Contracts and Financial Regulations and make recommendations to Council in consultation with the Monitoring Officer and Section 151 Officer for any amendments

Audit Activity

Comment [CE2]: Deleted as now replaced by the terms in the CIPFA Practical Guidance

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- ~~(1) To receive, review and approve, but not direct the annual Internal Audit plan, annual strategy, terms of reference and audit protocol~~
- ~~(2) To review quarterly Internal Audit progress reports and the main issues arising and to seek assurance that action has been taken where necessary~~
- ~~(3) To consider reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale and to monitor the Council's response to ensure that this is acceptable~~
- ~~(4) To 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 actively promoted~~
- ~~(5) To consider the Audit Manager's annual report and opinion, and the level of assurance Internal Audit can give over the Council's corporate governance arrangements~~
- ~~(6) To consider any reports dealing with the management or arrangements for the provision of the Internal Audit service.~~
- ~~(7) To ensure the Internal Audit section is adequately resourced and has appropriate standing within the Council~~
- ~~(8) To receive, review and approve but not direct the annual external audit plan.~~
- ~~(9) To consider the external auditor's annual audit and inspection letter, relevant reports to those charged with governance, delegating the consideration of such reports and any investigations to other committees as necessary~~
- ~~(10) To consider specific reports as agreed with the external auditor~~
- ~~(11) To monitor the Council's response to the external auditor's findings and the implementation of external audit recommendations.~~

Regulatory Framework

- ~~(1) To consider the internal control environment and the level of assurance that may be given as to its effectiveness, to include the review of the Annual Governance Statement and the recommendation to the Council of its adoption~~
- ~~(2) To satisfy itself that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it~~
- ~~(3) To monitor the effectiveness of the Council's risk management arrangements, including the actions taken to manage risks and to receive regular reports on risk management~~
- ~~(4) To review the effectiveness of corporate governance arrangements to ensure that the Council complies with best practice~~
- ~~(5) To monitor the effectiveness of the Council's policies and arrangements for anti-fraud, anti-corruption, bribery and anti-money laundering~~

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~~(6) To review any issue referred to it by the Chief Executive, Section 151 Officer, Monitoring Officer, Executive Director or any Council body~~

~~(7) To maintain an overview of the Council's Constitution in respect of Procedure Rules in relation to Contracts and Financial Regulations and make recommendations to Council in consultation with the Monitoring Officer and Section 151 Officer for any amendments~~

Comment [CE3]: Moved with slight wording change to 34

~~(8) To receive annual reports on exceptions and exemptions to the Council's Financial Regulations and Procedure Rules in Relation to Contracts.~~

Accounts

~~(1) To approve the Council's Statement of Accounts~~

~~(2) To consider the external auditors report to those charged with governance on issues arising from the audit of the accounts.~~

Other Areas

~~(35) To consider reports from external inspectors (for example Office of the Surveillance Commissioner, Health and Safety Executive)~~

~~(36) To receive reports from the Corporate Health and Safety Officer~~

~~(37) To receive reports in respect of the Council's Treasury Management arrangements.~~

Standards

~~(38) To promote and maintain high standards of conduct by Members~~

~~(39) To monitor the operation of the Members' Code of Conduct~~

~~(40) To advise the Council on the adoption or revision of the Members' Code of Conduct~~

~~(41) To oversee the effectiveness of the Council's procedures for investigating and responding to complaints of breaches of the Members' Code of Conduct~~

~~(42) To interview and make recommendations to Council on the appointment of Independent Person(s) in accordance with the requirements of the Localism Act 2011~~

~~(43) To deal with complaints of alleged breaches of the Code of Conduct which the Monitoring Officer, in consultation with the Independent Person(s), considers warrant detailed consideration and to make final recommendations thereon~~

~~(44) To advise, train or arrange to train Members and Independent Person(s) on matters relating to the Members' Code of Conduct~~

~~(45) To consider requests from Members to grant dispensations from being precluded from participation in a meeting (see **Appendix 18 Annex 4 Dispensations Process & Form**)~~

~~(46) To appoint a sub-committee to act as a Hearing Panel of 3 Members drawn from the~~

Comment [CE4]: 38 – 45 & 47 are moved from the former Standards Committee Terms of Reference

Comment [CE5]: Now to be dealt with by a Hearings Panel of 3 as a Sub Committee of the Audit and Standards Committee – rather than the full Committee sitting to hear complaints

Comment [CE6]: New power to appoint a Hearing panel in the event of an investigation under the Code of Conduct

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committee on a politically proportionate basis to conduct hearings and make decisions on allegations under the Code of Conduct. (Terms of Reference for the Hearings Panel are below.)

(47) To maintain an overview of complaints handling and Local Government Ombudsman investigations.

Audit and Standards Sub Committee

Hearing Panel

The Hearing Panel may be convened by the Monitoring Officer when required:

(1) To conduct local hearings and make decisions on allegations following investigation of a complaint under the Code of Conduct

(2) To make decisions on allegations where the Monitoring Officer considers it appropriate to refer the initial complaint to the Panel for determination

(3) The Panel will seek and take into account the views of an Independent Person appointed under the Localism Act 2011 before making a decision on any allegation which has been investigated

Comment [CE7]: Sets out Terms of reference for a Hearing Panel to conduct local hearings and to determine initial complaints where the Monitoring Officer considers a referral is appropriate

Comment [CE8]: This is required by the Localism Act 2011

PLANNING COMMITTEE

(1) To exercise all the Council's powers and duties as the district planning authority for its area in accordance with the Town and Country Planning Acts, and other planning legislation. This includes amongst other things the following:

The control of development including:

- a) determining applications for planning permission, consent or approval
- b) determining whether or not planning permission is required**
- ~~b)c) determining prior approvals~~
- ~~e)d) control of advertisements~~
- ~~e)e) determining applications for certificates of lawfulness~~
- ~~e)f) issuing certificates of appropriate alternative development~~
- ~~f)g) authorising or otherwise in accordance with the Town and Country Planning General Regulations, the carrying out of development by the Council or by others on the Council's land.~~
- ~~g)h) determining proposals in relation to the Development Plan Documents~~

The enforcement of planning control:

Landscape and building conservation and enhancement including:

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- a) the designation and enhancement of conservation areas
 - b) listed building control and enforcement
 - c) the offering of grants towards the repair and maintenance of listed buildings
 - d) tree preservation
 - e) derelict land reclamation.
- (2) To exercise the Council's powers and duties under the Building Regulations including:
- (i) the passing and rejection of plans;
 - (ii) determining applications to relax the Regulations;
 - (iii) regularising and enforcing compliance with the Regulations.
- (3) To consider and comment on issues of Planning policy to the Council.

LICENSING AND PUBLIC PROTECTION COMMITTEE

The Licensing & Public Protection Committee will be held in two parts, the first part as a Licensing Committee and the second part as a Public Protection Committee.

Note: When determining hackney carriage and private hire licences the committee shall follow the procedure set out ~~in bold text at paragraph 5~~ below.

1. **Licensing Committee** ÷

To deal with all matters under the Licensing Act 2003 and Gambling Act 2005 delegated from Full Council including:

- (1) With the exception of the Council's Licensing policy statements under the Licensing Act 2003 and Gambling Act 2005 (upon which it will advise), the licensing committee shall from time to time determine its policy relating to licensing matters after it has consulted with such parties as the law may require and/or whom it considers to be appropriate and it shall cause that policy to be published.
- (2) The Licensing Committee may, from time to time, establish conditions to the extent permitted by the law governing the administration of licensing matters, the conduct and behaviour of licence holders and for technical requirements and specifications, licensed premises and vehicles.
- (3) The Committee shall have delegated powers to consider all applications for licenses or permissions issued on behalf of the Council, including attaching conditions thereto, to consider and determine all applications for review, continuation, transfer, variation,

renewal, suspension, closure orders, forfeiture or revocation of all licenses and permissions issued by or on behalf of the Council, including attaching conditions thereto and to consider appeals against terminations or tenancy at will.

(4) The Committee shall, from time to time, receive reports on the cultural, economic and tourism impact of its work and it shall from time to time, as required by law or as it considers appropriate, make reports of its activity to Cabinet, overview and scrutiny committee and Planning Committee.

(5) The Committee shall have the delegated powers to set all relevant fees and charges under the Licensing Act 2003, Gambling Act 2005, Scrap Metal Act 2013 and in respect of Sexual Entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982

(4)(6) The Committee may from time to time and to the extent permitted by the law, delegate any of its functions in paragraph 3 above to a body comprising of not less than 3 elected members drawn from members of the committee, to be known as a ~~licensing panel (sub-committee)~~, Licensing sub -committee a quorum for such ~~panel to sub committee~~ being three members. The committee may establish more than one ~~panel-sub-committee~~ and membership ~~of the panel(s)~~ may be rotated as necessary amongst members of the Committee. Terms of Reference for the Licensing sub – committee are at paragraph 2 below.

(7) The Committee may from time to time and to the extent permitted by the law, delegate any of its functions in paragraph 3 above, to be discharged by an Executive Director. The Executive Director may delegate such powers, duties, responsibilities and functions as he considers appropriate, and to the extent permitted by the law, to officers of the Council.

2. . Licensing Sub- Committee

Except for all matters of Policy and the setting of fees, to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003 and Gambling Act 2005 including the following:

Licensing Act 2003

Where representations on the following applications have been received and not withdrawn to determine applications:

- a) For personal licences
- b) For premises licences and club premises licences
- c) For variation of premises licences and club premises certificates
- d) For transfer of premises licences

In addition the Sub – Committee will:

- e) Review premises licences and club premises certificates
- f) Determine Police or Environmental Health objections to temporary event notices

Gambling Act 2005

Where representations on the following applications have been received and not withdrawn, to determine applications:

- a) For Premises Licences
- b) For Variation of Premises Licences
- c) For Transfer of Premises Licences
- d) For a Provisional Statement
- e) For Club Gaming or Club Machine Permits
- f) For the cancellation of Club Gaming or Club Machine Permits

In addition the Sub Committee will:

- g) Decide whether to give a counter notice to a temporary use notice
- h) Take action under Section 202 where the review is heard by the Committee
- i) Exercise its power to register pool betting operating licences
- j) Exercise its power to grant track betting licences
- k) Exercise its power to grant gaming and betting machine licences
- l) Exercise its power to register societies wishing to promote lotteries
- m) Exercise its power to issue premises licences and to receive temporary use notices

2.3. Public Protection Committee

The Public Protection Committee will have the following roles and functions:

- a. To exercise the powers and duties of the Council in relation to licensing and registration functions.*
- a.b. To undertake the setting of all fees and charges in respect of hackney carriages and private hire vehicles under the Local Government (Miscellaneous Provisions) Act 1976
- b.c. To exercise and perform the powers and duties of the Council in relation to the following matters:

NB: Taxi driver, vehicle and operator licenses and issues will be dealt with separately by a **Public Protection Sub-Committee (see below for terms of reference)**

(1) **Food Safety and Control**

To ensure that all food prepared, manufactured, processed and sold within the Borough is produced in safe and hygienic conditions.

(2) **Occupational Health and Safety**

To ensure that persons working in premises which fall within the area of responsibility of the Borough Council, do so in a safe and healthy environment.

(3) **Infectious Disease Control**

To control and prevent the spread of specified infectious diseases.

(4) **Water Supply**

To ensure that all residents in the Borough are provided with a constant supply of wholesome and potable water.

(5) **Swimming Baths**

To monitor and control the quality of bathing water.

(6) **Health Education and Promotion**

To promote awareness of health matters to residents of the Borough.

(7) **Animal Welfare**

To ensure that, where animals are bred, boarded, sold or used in any other way, they are cared for in a humane manner.

(8) **Pest Control**

To control infestations within the Borough by rats and mice, to remedy the existence of verminous premises, persons or articles, and to control insect pests of public health significance in premises.

(9) **Sunday Trading**

To implement the Sunday Trading Act 1994.

(10) **Atmospheric Pollution Control**

To protect and improve local air quality management including statutory nuisances and the pollution prevention control regime and Local Air Quality monitoring and management.

(11) **Nuisance**

To protect the local environment by the control of public and statutory nuisances including noise sources and the promotion of awareness of the need to create or allow Nuisance including excessive noise.

(12) **Anti-Social Behaviour (ASB)**

To control anti-social behaviour and to determine Public Spaces Protection Orders.

(13) **Control of Dogs**

To promote responsible dog ownership within the Borough.

(14) **Asbestos Removal**

To eliminate environmental hazards associated with asbestos.

(15) **Contaminated and Derelict Land (including Landfill Sites)**

To ensure that material identified as being present on land in the Borough do not cause a hazard to health or nuisance to neighbouring properties and that any development provides a safe and healthy environment for occupation and use; and to promote the reclamation of derelict land.

(16) **Pollution Monitoring**

To identify the presence of pollutants within the environment both generally and in relation to specific sources.

(17) **Environmental Impact Assessments**

To assess potential environmental impacts from new developments in the Borough.

(18) **Environmental Enforcement**

To prevent the unauthorised and improper disposal of waste within the Borough and enviro-crime activities.

(19) **Housing**

To review housing conditions throughout the Borough and initiate action in relation to nuisance disrepair, improvement, clearance and demolition; and to administer renovation grants.

(20) **Camping and Caravan Site**

To control camp and caravan sites.

(21) **Licensing and Registration**

To exercise powers and duties in relation to all licensing and registration excluding those matters which relate to the Licensing Act 2003 and the Gambling Act 2005 delegated to the Licensing Committee.

To discharge any other function where an officer has decided not to exercise their delegated authority and has referred the matter to the Public Protection Committee for determination.

3-4. _____ Public Protection Sub-Committee

The Public Protection Sub Committee will have the following roles and functions:

To exercise the powers and duties of the Council in relation to Hackney Carriage and Private Hire functions in relation to the following matters:

- (1) **Hackney Carriage and Private Hire**
 - a. To determine an application for:
 - b. a new licence,
 - c. a renewal licence or;
 - d. enforcement of a licence
- (2) To determine an application for a Driver's licence, an operator's licence, or a proprietor's vehicle licence where an officer has determined that these applications are not in compliance with the Council's Policy and has decided not to exercise their delegated authority and referred the matter to the Public Protection Sub Committee.
- (3) To discharge any other function referred by the Public Protection Committee including making representations to the Public Protection Committee in connection with the discharge of its functions.

4.5. PROCEDURE TO BE FOLLOWED BY PUBLIC PROTECTION AND PUBLIC PROTECTION SUB-COMMITTEE IN DETERMINING HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

- (1) The Chairman will open the proceedings by stating the nature of the matter which is to be considered (first application/renewal/suspension/revocation), whether the proceedings concern a vehicle, drivers' or operators' licence (in the case of Private Hire Cars) or a driver's or vehicle licence (in the case of Hackney Carriages) and the name of the applicant or licence holder.
- (2) The Chairman will introduce him/herself and the members of the committee, the Clerk to the committee and any other officer present.
- (3) The Chairman will ask the officers to confirm whether or not the formal requirements in respect of the matter to be considered have been complied with. In the case of a proposed suspension or revocation of a licence, refusal to renew or a new licence application, the Chairman will ask the Licensing Officer to confirm whether or not the requisite 5 days' prior notice has been served on the licence holder.
- (4) If satisfied as to the formal requirements, the matter under consideration will then be outlined by the Licensing Officer.
- (5) The committee will consider the merits of the application or proposed suspension/revocation and the report of the officers. The committee may ask the officers for clarification of any points in issue.
- (6) The Chairman will then invite the applicant or licence holder to make any representations. The applicant or licence holder may make his/her representations personally or through a representative, who shall first identify him/herself.
- (7) The Chairman and other members of the committee may ask the applicant or license holder questions and points of clarification.
- (8) The applicant or licence holder, his/her representative (if any) and any officer present (with the exception of the Lawyer and the Clerk to the committee) shall withdraw.

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- (9) The members of the committee consider their decision. If any further clarification or information is required from the applicant or licence holder or any officer, all parties will be recalled.
- (10) All parties will be recalled for the announcement by the Chairman of the committee's decision.
- (11) The committee's decision will be confirmed in writing by the Proper Officer.
- (12) At any point in this procedure, the committee may pass a resolution excluding the press and public from the meeting on the basis that, if they were to remain, there may be disclosure of exempt information (information relating to the private or business affairs of a particular person).

STANDARDS COMMITTEE

Comment [CE9]: Deleted as no longer a separate committee. Moved to Audit & Standards Committee

~~The Standards Committee will have the following roles and functions:~~

- ~~(4) Promoting and maintaining high standards of conduct by Members~~
- ~~(5) Monitoring the operation of the Members' Code of Conduct~~
- ~~(6) Advising the Council on the adoption or revision of the Members' Code of Conduct~~
- ~~(7) To oversee the effectiveness of the Council's procedures for investigating and responding to complaints of breaches of the Members' Code of Conduct~~
- ~~(8) To interview and make recommendations to Council on the appointment of Independent Person(s) in accordance with the requirements of the Localism Act 2011~~
- ~~(9) To deal with complaints of alleged breaches of the Code of Conduct which the Monitoring Officer, in consultation with the Independent Person(s), considers warrant detailed consideration and to make final recommendations thereon~~
- ~~(10) To advise, train or arrange to train Members and Independent Person(s) on matters relating to the Members' Code of Conduct~~
- ~~(11) To consider requests from Members to grant dispensations from being precluded from participation in a meeting~~
- ~~(12) To oversee, review and make any recommendations on the effectiveness and operation of the Constitution and any of the provisions of it~~
- ~~(13) An overview of complaints handling and Local Government Ombudsman investigations.~~

Comment [CE10]: Deleted altogether as this is now undertaken by the Constitution & Member Support WG

CONSERVATION ADVISORY WORKING PARTY

- (1) To provide a view to the Authority on proposals which may affect the historic environment and in particular on applications for planning permission, listed building consent, ~~conservation area consent~~ and advertisement consent which would, in the Authority's opinion, affect either the character and appearance of a Heritage Asset or its setting, whether designated or not (meaning a part of the historic environment that

Comment [CE11]: No longer exist

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is seen to have significance because of its historic, archaeological, architectural or artistic interest ~~as defined in Planning Policy Statement 5~~.

Comment [CE12]: PPS5 has been repealed

- (2) To provide a view to the Authority on conservation policy, the preparation of schemes of enhancement and the production of design guides for Conservation Areas.
- (3) To provide a view to the Authority on applications for historic buildings grants.

EMPLOYMENT COMMITTEE

The Employment Committee will consist of the seven members nominated by Group Leaders in accordance with the 'Rules to ensure political balance' set out in Annex 1 to Appendix 7 of Part 4 of the Council's constitution.

- (1) To establish and appoint members to an Appointments sub-committee to act as an appointment panel for Executive Directors and Heads of Service
- (2) Subject to any statutory requirements, to advise Council on the appointment of Statutory Officers and to make arrangements to establish and appoint members to an Appointments sub-committee to act as an interview panel for Statutory Officer appointments
- (3) To oversee matters of discipline or competence in respect of the Head of Paid Service, the Monitoring Officer and the Section 151 Officer (the Statutory Officers) *
- (4) To establish and appoint members to a sub-Committee as an Investigation and Disciplinary Panel (IDP), comprising three members, (and such relevant Independent Persons as may be required by the Local Authorities (Standing Orders) (England) (amendment) Regulations 2015), to hear disciplinary and conduct issues relating to a Statutory Officer in accordance with relevant HR Procedures. The Chairman of the IDP shall have authority to issue a notice of dismissal in the event of a decision by full Council to dismiss the Statutory Officer *
- (5) To establish and appoint members to a sub-Committee as an Appeals Panel, comprising three members, to hear an appeal by a Statutory Office against a decision of the IDP falling short of a recommendation to dismiss, in accordance with relevant HR procedures
- (6) Other than those matters delegated to the Section 151 Officer, to discharge the Council's responsibilities in relation to local government pensions matters
- (7) To review organisational structure where the changes involve compulsory redundancies that do not have the agreement of existing staff and/or where any such changes require additional budget, which require approval of Cabinet and/or full Council;
- (8) To determine appeals (excluding any Statutory Officers) in relation to:
 - Dismissals whether arising by virtue of misconduct or otherwise
 - Disciplinary action
 - Grievances
 - Selection for redundancy
 - Grading

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*Note: When discharging the functions marked * above, the Committee must include a member of The Cabinet.*

CONSTITUTION AND MEMBER SUPPORT WORKING GROUP

The membership of the Constitution and Member Support Working Group shall consist of one Member from each of the political Groups represented on the Council. The Group will be supported by the Chief Executive and Monitoring Officer. The Working Group will be chaired by the Portfolio Holder with the responsibility for Member development and shall be a member of the Working Group in an ex officio capacity in addition to the Group nominee.

The remit of the Working Group shall be:

- (1) To keep under review the Council's Constitution and to make recommendations for revising the Constitution to the Chief Executive and Monitoring Officer in accordance with the provisions in Section 15 of Part 2 of the Council's Constitution.
- (2) To act as a reference group for changes to the Constitution proposed by the Monitoring Officer in accordance with the provisions in Section 15 of Part 2 of the Council's Constitution.
- (3) To keep under review the Council's recommendations for the support and development of elected Members and to make recommendations to the Head of Governance and Partnerships concerning improvements to and developments of these arrangements.
- (4) To monitor the outcome of all Member training and development activity and to make recommendations for improvements which would increase the effectiveness and/or efficiency of such programmes.

JOINT NEGOTIATING AND CONSULTATION COMMITTEE (JNCC) (Member/Officer Working Group)

Comment [CE13]: Terms of Reference replaced by the wording in the TU recognition Agreement

(1) To act as the consultation body between employer and employee representatives on matters of HR policy and practice in accordance with the Trade Union Recognition Agreement dated March 2019.

(2) Trade Union membership will be those Trade Unions which the Council recognise for collective bargaining purposes, currently being GMB, GMB (APEX) and UNISON.

(3) The functions of the JNCC include:-

a) Information

The Council undertakes to supply the Trade Union with the necessary information for it to carry out effective consultation and negotiation. This will include the Council's employment policies and procedures and proposed amendments and additions. The Council will additionally supply information on recent and probable developments of the Council and its economic situation.

b) Consultation

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To have proper consultation with Trade Unions and employees to enable feedback and discussion before decisions are taken concerning matters directly affecting the interests of the employees as set out below.

The Council will additionally consult on the current situation, structure and probable development of employment in the undertaking, especially any threat to employment, and on changes in work organisation or contractual relations, including redundancies and transfers.

Whilst consultation will always be conducted with the aim of achieving agreement, for avoidance of doubt, consultation does not require both parties to agree.

c) Negotiation

To negotiate and seek to reach agreement on all issues pertaining to the matters set out under below.

Whilst negotiation will always be conducted with the aim of achieving agreement, for avoidance of doubt, negotiation does not require both parties to agree.

4. The following policy matters will be the subject of consultation and negotiation:-

- a) terms and conditions of employment and physical conditions of work;
- b) engagement or non-engagement or termination or suspension of employment or the duties of employment, of one or more workers
- c) allocation of work or the duties of employment as between workers or groups of workers
- d) matters of discipline
- e) a worker's membership or non-membership of a trade union
- f) facilities for union representatives
- g) machinery for negotiation or consultation and other procedures (including grievance procedures) including recognition of the right of a trade union to represent workers in such negotiation or consultation.

5. The Head of Paid Service and Head of HR to be represented at all meetings to advise the committee and to keep a record of proceedings.

~~(1) To act as the consultation body between Employer and Employee representatives on matters of HR policy and practice.~~

~~(2) To act as the negotiating body between Employer and Employee representatives on the following matters within approved budgets:-~~

~~Terms and conditions of employment
Hours of work
Holiday and sickness arrangements~~

~~(3) — The Head of Paid Service and Head of HR to be represented at all meetings to advise the committee and to keep a record of proceedings.~~

(4)(6) The following protocol to be followed when the committee is meeting as part of a formal collective bargaining procedure:-

Protocol for collective bargaining

The collective bargaining process

Collective bargaining is recognised to consist of a number of distinct stages

Commencement

The Employer or Employee side may put forward a proposal in writing to the other. Any such proposal would normally be accompanied by a commentary setting out the case for the proposed change.

Preparation

Representatives of both sides prepare for the negotiation by considering the proposal which has been put forward. All those who are to be involved in the discussions should have a good knowledge and understanding of the issues to be discussed and should have conducted appropriate background research and evaluation before the first meeting takes place.

Preliminaries

Both parties agree the ground rules that will guide the negotiations and the lead negotiator for each site is identified and agreed. The Portfolio Holder for HR will Chair the negotiations. There should also be clarification of any issues identified in the preparation stage. The timescales for the negotiations should also be set out.

Formulation

At this stage the person chairing the negotiation puts forward an opening statement to summarise the matter(s) to be resolved. The lead negotiator from each side shall then set out their initial proposals. This is often called a brainstorming phase because each side puts forward their options that lead to the refinement of proposals and counter-proposals.

Bargain

The formal negotiation begins at this stage and each side will need to persuade the other of the merits of their proposal or counter-proposal. This stage may go on for a period of time and may involve a number of meetings until final agreement is reached. Where an amicable agreement cannot be reached it may be appropriate to include third party involvement to assist in arbitration.

Settlement

This is the final stage of the process where both sides agree a common solution to the matter(s) which has been negotiated. The final agreement will normally be set out in a written collective agreement document which is signed by both sides.

Documentation

Minutes of meetings

A record of all meetings shall be kept and shall be signed by the Chairman after confirmation by both lead negotiators that this is an accurate record of the discussion.

Records of meetings shall be confidential unless it is agreed otherwise by the Chairman and the lead negotiators.

Proposals and counter-proposals

All proposals, and where they are developed counter-proposals, shall be in written form once they have been formulated but before they are negotiated upon. These shall be made available to both sides to ensure that discussions are based on a common understanding of the matters under consideration.

Conduct of meetings

The effective running of meetings is the responsibility of the chairman. All participants shall respect the role of the chairman.

Either side may request a recess to enable separate discussions by the sides to take place. Separate meeting facilities should be made available to facilitate this.

If the chairman considers that it would be helpful to the negotiations to have a recess to enable additional information to be sought or issues clarified by a person(s) not present in the meeting it shall be at the chairman's sole discretion to do this. Any similar requests made by other participants would not normally be denied. Any additional information provided shall be made available to all those participating in the negotiations.

It is expected that all matters discussed at meetings shall be confidential at all times.

Consultation

It may assist the process of collective bargaining for there to be consultation with staff affected by the proposals which are under consideration.

Any consultation shall be with all staff affected by the proposals and it is recognised that Trades Unions may wish to undertake consultation with their own members

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