

Part B – The Council
Section B2:- Committees

In Part B:-

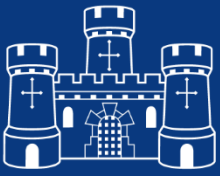
Section B1 of the Constitution explains the process of electing Councillors (or “Members”) to the Council and then goes on to explain about meetings of the Council. It then sets out the roles, responsibilities and functions of the Council.

This Section (B2) sets out the details of the each of the authority’s committees. There is an overview of what the committee does and a detailed terms of reference section which sets out the extent of the committee’s powers. Membership details of committees are available from the Council’s website.

Section B3 sets out the roles and attributes of all Councillors, and then explains about the additional requirements of Councillors who undertake certain roles

Section B4 sets out the rules that govern how Council meetings.

Section B5 sets out the rules that govern Committee meetings.



Part B – The Council
Section B2:- Committees

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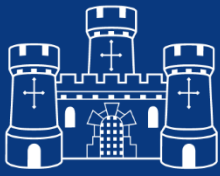
1. Introductory Notes

- 1.1 All functions that are not specifically reserved in this constitution to Council, a committee or the Cabinet are delegated to Officers in accordance with Section E
- 1.2 Section B5 contains the procedure rules that apply to committee meetings.
- 1.3 More information on Council and Cabinet meetings and how the public can take part in those meetings can be found in Sections B4 and C3.
- 1.4 The following committees are the regular or “standing” committees of the council. Council can create other ad-hoc committees from time to time to deal with specific issues. Committees can also convene as-hoc sub-committees to deal with specific issues from time to time. Details of any such committees will be set out on the Council’s website.
- 1.5 Sometimes the terms of reference of a committee will provide that a matter need only be referred to the committee if objections or representations have been received or if, for example, the matter or the proposed decision will have a significant, major or material impact or might represent a significant or major departure from certain plans of policies. In these instances there is discretion to be exercised as to what is major, significant, material or relevant and so whether a particular matter needs to be referred to a committee or not. That discretion is to be exercised by the relevant Director (or their authorised representative) in consultation with the relevant committee chairman.
- 1.6 Powers granted to make an order or direction (etc) include powers to vary, extend or revoke.

2. Audit and Standards Committee

Introduction and Composition

- 2.1 The Audit and Standards Committee is responsible for overseeing the council’s audit and assurance arrangements, considering audit reports and the annual statement of accounts and making appropriate recommendations to Council.



- 2.2 The purpose of the committee is to provide independent assurance to Members of the adequacy of the risk management framework and the internal control environment. It provides an independent review of the Council's governance, risk management and control frameworks and oversees annual governance processes. It also has other corporate governance responsibilities including promoting and maintaining high standards of conduct by Members.
- 2.3 The committee comprises 7 Elected Members appointed on a politically proportionate basis in line with the political composition of the Council. It also includes one "co-opted" member who is not an Elected Member. Mandatory training is required to sit on the Committee or any of its sub-committees.

Terms of Reference

Governance, Risk and Control

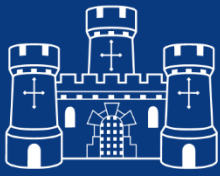
- 2.4 To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- 2.5 To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment 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.
- 2.6 To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 2.7 To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- 2.8 To monitor the effective development and operation of risk management in the council.
- 2.9 To monitor progress in addressing risk-related issues reported to the committee.



- 2.10 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- 2.11 To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- 2.12 To monitor the counter-fraud strategy, actions and resources.
- 2.13 To review the governance and assurance arrangements for significant partnerships and collaborations.

Internal Audit

- 2.14 To approve the Internal Audit Charter.
- 2.15 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 2.16 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.
- 2.17 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- 2.18 To make appropriate enquiries of both management and the Chief Internal Auditor to determine if there are any inappropriate scope or resource limitations.
- 2.19 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.
- 2.20 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.

2.21 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.

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

2.23 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.

2.24 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.

2.25 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.



- 2.26 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

- 2.27 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.
- 2.28 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- 2.29 To consider specific reports as agreed with the external auditor.
- 2.30 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 2.31 To commission work from internal and external audit.
- 2.32 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

- 2.33 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.
- 2.34 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability Arrangements

- 2.35 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.

- 2.36 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.
- 2.37 To publish an annual report on the work of the committee
- 2.38 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

Other Areas

- 2.39 To consider reports from external inspectors (for example Office of the Surveillance Commissioner, Health and Safety Executive)
- 2.40 To receive reports from the Corporate Health and Safety Officer
- 2.41 To receive reports in respect of the Council's Treasury Management arrangements.

Standards

- 2.42 To promote and maintain high standards of conduct by Members
- 2.43 To monitor the operation of the Members' Code of Conduct
- 2.44 To advise the Council on the adoption or revision of the Members' Code of Conduct
- 2.45 To oversee the effectiveness of the Council's procedures for investigating and responding to complaints of breaches of the Members' Code of Conduct
- 2.46 To interview and make recommendations to Council on the appointment of Independent Person(s) in accordance with the requirements of the Localism Act 2011



- 2.47 To advise, train or arrange to train Members and Independent Person(s) on matters relating to the Members' Code of Conduct
- 2.48 To consider requests from Members to grant dispensations from being precluded from participation in a meeting see Appendix 18 Annex 4 Dispensations Process & Form)
- 2.49 To appoint a sub-committee to act as a Hearing Panel of 3 Members drawn from the 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.)
- 2.50 To maintain an overview of complaints handling and Local Government Ombudsman investigations.

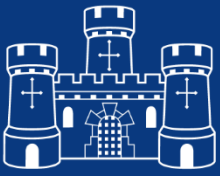
Audit and Standards Sub-Committee Hearing Panel

- 2.51 The Hearing Panel may be convened by the Monitoring Officer when required to conduct local hearings and make decisions on allegations following investigation of a complaint under the Code of Conduct
- 2.52 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

3. Planning Committee

Introduction and Composition

- 3.1 Planning Committee is responsible for determining the applications for planning permission that are not determined by the Service Director Planning.
- 3.2 Planning Committee comprises of 12 Members constituted on a politically proportionate basis in line with the political composition of the Council. Mandatory training is required to sit on the Committee or any of its sub-committees.



Terms of Reference

Development Control

- 3.3 To determine applications for planning permission in connection with large scale major development as defined by the Government from time to time (as refined or amended in these Terms of Reference) currently being:-
- (a) residential developments of 10 dwellings or more (or where the number is not known) or where the built site area is to be 4 hectares or more
 - (b) non-residential developments where the floor space to be built is 10,000 square metres or more or where the built site area is to be 2 hectares or more
- 3.4 To determine all applications for planning permission in connection with small scale major development as defined by the Government from time to time (as refined or amended in these Terms of Reference) currently being:-
- (a) residential developments of between 10-199 dwellings inclusive or where the built site area is between 0.5 and 4 hectares
 - (b) non-residential developments where the floor space to be built is between 1,000 and 9,999 square metres inclusive or where the built site area is between 1 and 2 hectares;
- where there is a recommendation for approval which would, in the opinion of the Service Director Planning, constitute a significant departure from planning policy.
- 3.5 “applications for planning permission”, for the purposes of paragraph 3.3 and 3.4 above shall include applications for outline planning permission, reserved matters approval and/or applications to vary or extend the time for implementation of the same.
- 3.6 To determine applications for planning permission:
- (a) called-in for determination in accordance with the Planning Committee Members’ Call-in Procedure set out in Section B5.
 - (b) made by or on behalf of any Member or by a member of their immediate family, or in respect of land within their ownership or control.



- (c) made by or on behalf of any Officer holding a post at or equivalent to Chief Executive, Deputy Chief Executive, Service Director or a Statutory Officer, by a member of their immediate family, or in respect of land within their ownership or control.
- (d) made by or on behalf of any officer directly involved in determining planning applications or by a member of their immediate family, or in respect of land within their ownership or control.
- (e) made by or on behalf of the Council (except those matters which the Service Director Planning considers to be of a minor or routine nature and where the decision proposed is in accordance with the planning policy).
- (f) that the Service Director Planning, in consultation with the Chair of the Planning Committee, considers should be determined by the Committee.
- (g) Made in connection with national infrastructure projects

Policy Development

- 3.7 To act as consultee on the development of planning policy, guidance documents and national consultations/significant infrastructure projects.

Building Regulations

- 3.8 To determine applications to relax building regulations
- 3.9 To authorise legal action under Sections 35 and 36 of the Building Act 1984

Conservation Advisory Working Party (CAWP)

- 3.10 CAWP is a sub-committee of the Planning Committee whose purpose is to provide advice on matters within its remit to the Planning Committee and, where appropriate, to Cabinet or Council.
- 3.11 Its function is to provide a view to the Planning Committee/Service Director Planning on applications for planning permission, listed building consent, and advertisement consent which are capable of affecting either the character and appearance of a Heritage Asset or its setting, whether designated or not (meaning a part of the historic environment that is seen to have significance because of its historic, archaeological, architectural or artistic interest).



- 3.12 Its function is also to provide a view to the Planning Committee, Cabinet and/or Council on proposals which may affect the historic environment and in particular on conservation policy, the preparation of schemes of enhancement and the production of design guides for Conservation Areas.
- 3.13 CAWP will also provide a view on applications for any historic buildings grants that are available from time to time.

4. Licensing and Public Protection Committee

Introduction and Composition

- 4.1 The Licensing and Public Protection Committee is responsible for determining licensing policy and applications across a wide range of local authority licensing functions in accordance with the following terms of reference.
- 4.2 The Committee comprises 15 Members and is constituted on a politically proportionate basis in line with the political composition of the Council. Mandatory training is required to sit on the Committee or any of its sub-committees.
- 4.3 Members of the Licensing and Public Protection Committee will sit as a statutory Licensing Committee as defined by the Licensing Act 2003 and the Gambling Act 2005 when carrying out the functions of and ancillary to those Acts.
- 4.4 Members of the Licensing Committee and Public Protection Committee will sit as a Public Protection Committee when dealing with any other licensing functions of the Council.

Terms of Reference

- 4.5 Sitting as the full Licensing Committee, to:-
- (a) with the exception of matters specifically reserved by statute to Council or the Cabinet, approve licensing policy which shall include the setting of fees, charges and standard licence conditions



- (b) exercise an advisory role in relation to Cabinet functions, such cultural, economic and tourism functions that are impacted by or may have an impact on licensing functions.

4.6 Sitting as the full Public Protection Committee, to:-

- (a) approve other (non Licensing Act 2003 and the Gambling Act 2005) licensing and registration policies which shall include the setting of fees, charges and standard licence conditions
- (b) exercise an advisory role in relation to Cabinet functions, such as the fixing of fares for hackney carriages and cultural, economic and tourism functions that are impacted by or may have an impact on licensing and registration functions

4.7 Sitting as a Licensing Sub Committee comprising 3 Members (drawn from the full Committee):-

- (a) to hold hearings to determine licensing matters where such hearings are required by the Licensing Act 2003 or the Gambling Act 2005 and associated regulations

4.8 Sitting as a Public Protection Sub Committee comprising not less than 3 Members (drawn from the full Committee):-

- (a) to determine all matters relating to the grant, renewal or review of taxi licences (which, for the avoidance of doubt, in these Terms of Reference shall include hackney carriage and private hire vehicle driver and operator licences) where evidence exists as to whether the applicant is a fit and proper person and to suspend or revoke taxi licences in accordance with legislation
- (b) to hold hearings to determine sex establishment licensing matters where such hearings are required by law.

5. Employment Committee

Introduction and Composition

- 5.1 The Employment Committee deals with the Council's human resources strategies and policies that apply to all of its employees. It is also responsible for employment



matters relating to the Council's most senior officers. Its members will be appointed (by group leaders) to employment sub-committees or joint committees (i.e. the JNCC) to deal with various employment related issues from time to time.

- 5.2 The Committee comprises 7 Members and is constituted on a politically proportionate basis in line with the political composition of the Council. Mandatory training is required to sit on the Committee or any of its sub-committees.

Terms of Reference

- 5.3 To develop and approve the Council's strategies and policies in respect of human resources, health and safety, organisational development and terms and conditions of employment. These functions are subject to the approval of any budget implications by the Cabinet and/or Council.
- 5.4 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 budgetary approval from Cabinet and/or Council.
- 5.5 To make recommendations to Council in relation to the annual Pay Policy Statement.
- 5.6 To make recommendations to full Council in relation to decisions affecting the remuneration of any new post where the remuneration is, is proposed to be, or would become £100,000 p.a. or more.
- 5.7 To make decisions in relation to proposed severance packages with a value of £95,000 or more as appropriate (excluding contractual and holiday pay), subject to any requirement to obtain approval from full Council and/or Government.
- 5.8 Excluding national agreements, to approve "in year" salary or other benefit increases to the Head of Paid Service provided that this is within the agreed annual pay policy.

Appointments Sub-Committee

- 5.9 This sub-committee comprises not less than 3 Members of the Employment Committee, appointed by Group Leaders. Its purpose is to deal with the appointment of the Council's Designated Statutory Officers ("DSOs"), the Deputy Chief Executive



and Service Directors. More information on the Council's DSOs can be found in Section E3.

- 5.10 To undertake the recruitment and selection process, in accordance with the Employment Procedure Rules (Section E3) and, in respect of DSOs only, to make a recommendation to Council to approve the proposed appointment before an offer of appointment is made.
- 5.11 In respect of the Deputy Chief Executive and Service Directors, to make offers of appointment following the recruitment and selection process.

Disciplinary Appeals Sub-Committee (DAC)

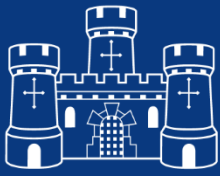
- 5.12 This sub-committee comprises not less than 3 Members of the Employment Committee, appointed by Group Leaders. Its purpose is to deal with appeals against disciplinary action taken when required to do so under the Council's disciplinary policies. In respect of DSOs only, it deal with appeals against disciplinary action short of dismissal.

Investigation and Disciplinary Sub-Committee (IDC)

- 5.13 The IDC comprises not less than 5 Members of the Employment Committee, appointed by Group Leaders. Its purpose is to operate the disciplinary procedures that apply to the DSOs in accordance with the Model Disciplinary Procedure (MDP) contained in the JNC Handbook and the Council's IDC Handbook.
- 5.14 For consistency, unless unavoidably indisposed or conflicted, once appointed, the same Councillors shall comprise the IDC (and any adjournment of it) over the course of the full consideration of the IDC's business (and any related matter), until such time as the business is completed. Should any Councillor become conflicted or indisposed over the course of the matter, any substitution shall be at the Chair's discretion in conjunction with the IDC's legal adviser.
- 5.15 All papers issued to the IDC members must be returned to the IDC Co-ordinator (committee clerk) at the end of each IDC meeting.



- 5.16 In accordance with the MDP, an IDC shall be convened by the Monitoring Officer (in consultation with the Chair of Employment Committee).
- 5.17 Should the Monitoring Officer be unable to act, then the “Substitute” (who shall be, in the following order, the Head of Paid Service, the Deputy Chief Executive, Section 151 Officer or the Service Director Strategy, People & Performance) can also convene an IDC. In that event, references to the Monitoring Officer that follow should be taken as references to the Substitute.
- 5.18 The Monitoring Officer shall, in consultation with the Chair of the Employment Committee filter out and deal with allegations of misconduct which are clearly unfounded, trivial or can best be dealt with under some other procedure. The Monitoring Officer will also consider whether informal resolution is appropriate.
- 5.19 If a matter passes the filter stage, an IDC will be convened and it will, in conjunction with its legal adviser, consider allegations/issues regarding disciplinary matters (as defined in The Local Authorities (Standing Orders) (England) Regulations 2001 as amended) relating to the DSOs.
- 5.20 The IDC will, after taking advice from its legal adviser decide, whether
- (a) any further formal action under this procedure is required
 - (b) to appoint an Independent Investigator (“II”) to investigate the issues and produce a report
 - (c) it is appropriate to reach an agreement with the DSO on a formal sanction (short of dismissal) without the need to appoint an II
 - (d) to alter the duties of a DSO or suspend a DSO for the duration of any process a
 - (e) review such decisions at a frequency to be determined by the IDC
 - (f) what action should be taken against a DSO following an investigation.
- 5.21 The actions referred to at 5.21 (e) above include holding a hearing, taking no further action, informal resolution or other appropriate sanction short of dismissal. The IDC shall have delegated authority to impose disciplinary action short of dismissal in these circumstances.



- 5.22 If, following a hearing, the IDC recommends dismissal then that recommendation shall be referred to the Independent Persons Panel prior to being referred to full Council for a determination in accordance with the IDC Handbook.
- 5.23 With the exception of a decision to recommend to full Council that a DSO be dismissed, there shall be a right of appeal to the DAC in respect of any sanction imposed on a DSO by the IDC.

Independent Persons Panel (IPP)

- 5.24 The Independent Persons Panel is an advisory panel appointed under section 102(4) of the Local Government Act 1972. Its purpose is to advise the authority on matters relating to the dismissal of DSOs in accordance with Schedule 3 to The Local Authorities (Standing Orders) (England) Regulations 2001, the MDP and the IDC Handbook.
- 5.25 The IPP shall consist of at least two (preferably three) of the Independent Persons appointed by the Council under section 28(7) of the Localism Act 2011. Where there are fewer than two such persons, attempts shall be made to appoint to the IPP such independent persons as have been appointed by another authority or authorities as the Council considers appropriate. The Monitoring Officer shall invite the Independent Persons, as necessary/appropriate.
- 5.26 The advice of the Independent Persons Panel must be sought in accordance with the Employment Procedure Rules (Section E3) where the IDC proposes to recommend the dismissal of a DSO.
- 5.27 The advice of the IPP may (but need not) be sought by the IDC at any other point in an investigation under the IDC process or (if not conflicted) by the DAC in respect of an appeal against a decision of the IDC.
- 5.28 For the avoidance of doubt, the IPP may commission and have access to external legal and professional advice and may meet concurrently with an IDC hearing.

Joint Negotiation and Consultation Committee (JNCC)



- 5.29 The JNCC shall comprise of 3 elected members of the Employment Committee Members appointed to the JNCC by Group Leaders, and a representative of each recognised Trade Union in accordance with recognition agreements in force from time to time.
- 5.30 The purpose of the committee is to provide a forum through which negotiations and consultations can take place on matters within the remit of paragraphs 5.3 and 5.4 of the Employment Committee and in respect of:-
- (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.
- 5.31 The JNCC will also receive briefings on external factors effecting or likely to affect employment matters within the Council.
- 5.32 For the avoidance of doubt, whilst agreement by negotiation will always be the objective, the JNCC has no powers to approve or veto matters. Its recommendations shall be given full consideration by the relevant decision taker.