

Part 2A

Terms of Reference of the Council, Cabinet, Scrutiny Committee and regulatory committees

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1. Introduction and definitions

- 1.1 Any reference in this part of the constitution to an act of parliament or other statutory provision includes any re-enactment of that act or provision and any amending legislation. Where powers or duties of the Council under statutory provisions not mentioned in this part of the constitution relate to or are incidental to functions assigned to the Council, Cabinet, an overview and scrutiny committee, a regulatory committee or a sub-committee or delegated to officers in this part of the constitution those powers or duties are given to the Council, Cabinet, an overview and scrutiny committee, a regulatory committee or a sub-committee to which the function has been assigned, or the officer to whom the function has been delegated.
- 1.2 Where new functions are given to the Council by an act of parliament or other statutory provisions, which are related to the functions given to Cabinet, an overview and scrutiny committee, a regulatory committee or a sub-committee by this part of the constitution these new functions will be exercised by Cabinet, an overview and scrutiny committee, a regulatory committee or a sub-committee.
- 1.3 This Scheme is subject to Parts 1 and 3 of this constitution.
- 1.4 Subject to any provisions to the contrary any reference in this part of the constitution to:
- (a) applications for permission, consents, approvals, certificates, licences, authorisations or registrations, includes power to grant (with or without conditions) or refuse them and to deal with any transfer, assignment, variation, suspension, revocation, consultations, appeal or other proceedings;
 - (b) orders, schemes or directions, includes power to (or to apply to) make, vary or revoke them and to deal with any appeal or other proceedings;
 - (c) notices, includes power to serve, issue publish, vary or withdraw them and to deal with any appeal or other proceedings; and
 - (d) any function, includes any power, discretion or duty contained in the relevant statutory provision or which is incidental or ancillary to the exercise of that function.
- 1.5 In this part of the constitution, the following words and phrases shall have the following meaning:
- (a) **Executive functions** shall mean those functions which by law must be the responsibility of Cabinet.
 - (b) **Non-executive functions** shall mean those functions which by law must not be the responsibility of Cabinet.

- (c) **Local choice functions** shall mean those functions which the Council may decide to exercise itself or delegate to any part of the council including Cabinet. A list of local choice functions is included in Section 3 of this part of the constitution.
- (d) **Standing Orders** shall mean the standing orders and rules set out in Part 3 of this constitution.

2. General terms of reference

- 2.1 These terms of reference set out the functions of the Council, and those of its functions that have been given to Cabinet, Scrutiny Committee, regulatory committees and sub-committees.
- 2.2 The Council is responsible for the exercise of all functions, which are not the responsibility of Cabinet, and for determining the allocation of executive functions to Cabinet in accordance with Section 15 of the Local Government Act 2000. The Council may delegate the exercise of non-executive or local choice functions to any other person or body subject to any statutory constraints.
- 2.3 Only the Council may exercise or delegate those functions described in paragraph 4 of this part of the constitution.
- 2.4 Subject to Statutory Requirements, Standing Orders and the matters reserved to the Council set out above, the Council delegates to Cabinet, Scrutiny Committee, regulatory committees, sub-committees and officers shown in this part of the constitution the powers and duties set out, and such other powers and duties as the Council may from time to time specify. Any delegation of non-executive or local choice functions by the Council shall not prevent the Council from exercising those functions itself.
- 2.5 Cabinet is responsible for the exercise of all executive functions and any local choice functions delegated to it by the Council. It may further delegate those functions in accordance with Section 15 Local Government Act 2000 and any regulations made under sections 17 to 20 Local Government Act 2000.
- 2.6 Subject to statutory requirements and standing orders Cabinet delegates to Scrutiny Committee and officers set out in this part of the constitution the powers and duties set out and such other powers and duties as Cabinet may from time to time specify. Any such delegation by Cabinet shall not prevent Cabinet from exercising those functions itself.
- 2.7 Cabinet, Scrutiny Committee, a regulatory committee and a sub-committee shall be empowered to act subject to the following general conditions:
 - (a) Neither Cabinet nor Scrutiny Committee, a regulatory committee or a sub-committee shall be empowered to raise money by Council Tax, precept, or loan or to make bylaws.

- (b) Subject to the urgency procedure in relation to executive decisions in the Access to Information Standing Orders in Part 3D of this constitution any decisions made shall accord with the budget and policy framework.
 - (c) Before acting on any matter involving the adoption of any major new policy which changes the policy framework, Cabinet, or any committee must obtain the approval of the Council to its proposed course of action.
 - (d) Neither Cabinet nor Scrutiny Committee, a regulatory committee or a sub-committee may make decisions in relation to a power or duty where its function is expressed to be advisory or limited to the making of recommendations or the submission of requests to the Council or another body.
- 2.8 Action by Cabinet, Scrutiny Committee, a regulatory committee or a sub-committee shall be subject to the restrictions imposed by Standing Orders.
- 2.9 A scrutiny committee or a regulatory committee shall have power to:
- (a) re-delegate to any sub-committee appointed by it all or any of the powers and duties delegated to it by the Council; and
 - (b) impose any conditions or restrictions it thinks fit on the exercise of powers and duties by any of its sub-committees.
- 2.10 Scrutiny Committee shall have power to appoint a task group to advise it on any power or duty delegated to it.
- 2.11 All member bodies shall have power to:
- (a) re-delegate to an officer of the council all or any of the powers and duties delegated to it by the Council;
 - (b) impose any conditions or restrictions it thinks fit on the exercise of powers and duties by an officer; and
 - (c) seek advice from an officer of the council.

3. Responsibility for local choice functions

The body or person specified in the second column of the table below for each of the local choice functions in the first column, subject to any restrictions imposed by the Council in the third column, shall be responsible for the discharge of the relevant local choice function.

Local Choice Function	Responsible body or person	Any restriction	Statutory reference
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Regulations	Cabinet	None	Local Authorities (Functions and Responsibilities) (England) Regulations 2000
Review and approval of the council's Statement of Accounts	Audit and Ethics Committee	None	Local Audit and Accountability Act 2014 The Accounts and Audit Regulations 2015
Review and approval the council's Annual Governance Statement	Audit and Ethics Committee	None	Local Audit and Accountability Act 2014 The Accounts and Audit Regulations 2015
The determination of an appeal against any decision made by or on behalf of the authority	Appeals Committee	Except to the extent powers are delegated to officers	Any enactment conferring a power on the council to determine such appeals
The appointment of review boards under regulations	Cabinet	None	Child Support, Pensions and Social Security Act 2000, ss 68, 85, Sch, 7, para 22 (1), Sch. 9, Pt. 7
Any function relating to contaminated land	Cabinet	Except to the extent powers are delegated to officers	Part IIA Environmental Protection Act 1990 and subordinate legislation.

Local Choice Function	Responsible body or person	Any restriction	Statutory reference
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet	Except to the extent powers are delegated to officers	Pollution Prevention and Control Act 1999; Part IV Environmental Protection Act 1990; Clean Air Act 1993
The service of an abatement notice in respect of a statutory nuisance	Cabinet	Except to the extent that powers are delegated to officers	Section 80 (1) of the Environmental Protection Act 1990.
The passing of a resolution that Schedule 2 to the Act should apply in the authority's area	Cabinet	Except to the extent that powers are delegated to officers	Schedule 2 to the Noise and Statutory Nuisance Act 1993
The inspection of the authority's area to detect any statutory nuisance	Cabinet	Except to the extent that powers are delegated to officers	Section 79 of the Environmental Protection Act 1990
The investigation of any complaint as to the existence of a statutory nuisance	Cabinet	Except to the extent that powers are delegated to officers	Section 79 of the Environmental Protection Act 1990
The obtaining of information as to interests in land	Planning Committee	Except to the extent powers are delegated to officers	Section 330 TCPA 1990
The obtaining of particulars of persons interested in land	Cabinet	Except to the extent that powers are delegated to officers	Section 16 Local Government (Miscellaneous Provisions) Act 1976

Local Choice Function	Responsible body or person	Any restriction	Statutory reference
<p>The appointment or revocation of the appointment of any individual:</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body.</p>	Cabinet	None	Any enactment conferring a power to make such appointments.
<p>The making of agreements with other local authorities for the placing of staff at the disposal of those authorities</p>	Cabinet	Except to the extent that powers are delegated to officers	Any enactment conferring a power to make such an agreement.

4. Terms of reference of the Council

The Council shall be responsible for the following:

- 4.1 Adopting, agreeing, amending or revoking the constitution or any part thereof.
- 4.2 Approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land transfer.
- 4.3 Subject to the urgency procedure contained in the Access to Information Standing Orders in Part 3D of this constitution, making executive decisions which are contrary to the policy framework or contrary to, or not wholly in accordance with, the budget.
- 4.4 Where required to do so under the provisions of the call-in procedure set out in the Overview and Scrutiny Standing Orders in Part 3C of this constitution, to consider any decision which has been called in to the Council and determine the same.
- 4.5 The election of the Mayor and the appointment of the Deputy Mayor.

- 4.6 The appointment of the Leader and councillors to serve on Scrutiny Committee and regulatory committees.
- 4.7 Agreeing and/or amending the terms of reference for Scrutiny Committee and regulatory committees and deciding on their composition and making appointments to them.
- 4.8 Determining the allocation of executive functions to Cabinet.
- 4.9 The appointment of representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council.
- 4.10 The adoption of an allowances scheme under Article 2.05.
- 4.11 Changing the name of the district or of a parish or conferring the title of Honorary Alderman or Freedom of the Borough.
- 4.12 Confirming the appointment of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, the Deputy Chief Executive and chief officers.
- 4.13 The duty to provide staff etc to a person nominated by the Monitoring Officer as set out in sections 82A (4) and (5) of the Local Government Act 2000.
- 4.14 The power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).
- 4.15 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills.
- 4.16 All local choice functions set out in this part of the constitution which the Council decides should be undertaken by itself rather than Cabinet.
- 4.17 Making arrangements for the proper administration of the financial affairs of the council.
- 4.18 Appointing proper officers for the purposes of any particular functions.
- 4.19 The power to make payments or provide other benefits in cases of maladministration.
- 4.20 The following functions in relation to elections and electoral registration matters:
 - (a) The appointment of an Electoral Registration Officer.
 - (b) The assigning of officers in relation to requisitions of the registration officer.
 - (c) Parishes and parish councils.

- (d) The dissolution of small parish councils.
- (e) Orders for grouping parishes, separating and dissolving groups.
- (f) The appointment of the returning officer for local elections.
- (g) The division of the constituency into polling districts.
- (h) The division of electoral divisions into polling districts (local elections).
- (i) Powers in respect of the holding of elections.
- (j) The payment of expenses properly incurred by electoral registration officers.
- (k) The filling of vacancies in the event of insufficient nominations.
- (l) The duty to declare vacancy in office in certain cases.
- (m) The duty to give public notice of a casual vacancy.
- (n) Making temporary appointments to parish councils.
- (o) The determination of fees and conditions for the supply of copies of, or extracts from, election documents.
- (p) The power to submit proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.

4.21 All other matters which, by law, must be reserved to Council.

5. Terms of reference of Cabinet

5.1 Exercise of functions

- (a) Cabinet shall be responsible for the exercise of all executive functions on behalf of the authority, i.e. all of the local authority's functions which are not the responsibility of Full Council or any other part of the council whether by law or under this constitution.
- (b) The executive functions are allocated by the Council to Cabinet as a collective decision-making body i.e. the Leader and Cabinet members acting together.
- (c) There are currently four portfolios as shown below at paragraphs 5.4 to 5.7. The Leader may change the number of portfolios and amend the allocation of responsibilities within each portfolio.

- (d) The Leader shall determine the allocation of portfolios to Cabinet members. The presumption is that Cabinet will perform its functions as a collective decision-making body unless the Leader delegates authority for specified matters to individual Cabinet members.
- (e) After making any of the following changes, the Leader shall report the changes of any of the following to the next meeting of Council that is not an extraordinary meeting:
 - (i) Deputy Leader
 - (ii) Members of Cabinet
 - (iii) The number of portfolios and the allocation of responsibilities within portfolios
 - (iv) Portfolio holders
 - (v) The delegation of authority to Cabinet members

5.2 General duties of all Cabinet members

- (a) To ensure the continuous improvement of the services within their own portfolios.
- (b) To ensure that all services and roles are developed in accordance with the council's overall policies.
- (c) To liaise effectively with each other, to ensure that policies and service delivery are integrated across all services.
- (d) To maintain effective two-way dialogue with Scrutiny Committee.
- (e) To maintain effective two-way dialogue with outside bodies.

5.3 General responsibilities of Cabinet

5.3.1 Policy framework and budget

- (a) Guide the Council in the formulation of its Corporate Strategy, corporate plans, objectives and priorities taking into account the social, environmental and economic needs of the borough and the council and matters of comprehensive importance to the area.
- (b) Recommend to the Council such forward programmes and other steps as may be necessary to achieve those objectives and priorities during specific time spans; and that an annual report be made to Council by Cabinet that indicates policy direction for the next financial year.
- (c) Implement the agreed policy framework and budget in accordance with the Budget and Policy Framework Procedures Rules in Part 3E of this constitution.

5.3.2 Promotion of well-being and community planning

The promotion of the economic, social or environmental well-being of the area, leading the development of the community plans and the formation of partnerships with other public private, voluntary and community organisations.

5.3.3 Best Value and Value for Money

Leading the search for best value, considering the outcomes of best value reviews carried out by Scrutiny Committee with a view to ensuring continuous improvement in the delivery of services and ensuring that those services provide, and can demonstrate, value for money.

5.3.4 Effective management and resources

The effective management of the council, management of resources and the provision of support services, including the following:

- (a) Ensuring that the organisation, establishment and management processes of the council are designed to make the most effective contribution to the achievement of the council's objectives.
- (b) Keeping them under review in the light of changing circumstances.
- (c) Making recommendations as necessary for change in either the democratic or departmental structure, or the distribution of functions and responsibilities.

5.3.5 Interests of the borough

Consideration of, formulation of views on, and making representations on, any matters affecting the interests of the borough, or any part of it, or all or some of its inhabitants.

5.4 Change and Transformation Portfolio

- (a) To drive and promote the development and implementation of Change and Transformation.
- (b) Consult, lead, and collaboratively work with the various portfolios in respect of Change and Transformation projects.
- (c) Explore and determine areas of Change and Transformation across all functions of the Council.

5.5 Communities, Homes, Digital and Communications Portfolio

- (a) The development and implementation of a strategy for the production of community plan(s) in the borough together with monitoring and reviewing the effectiveness of any plans.
- (b) Communication and consultation with the local community including the following:
 - (i) Overseeing the implementation of, and monitoring and reviewing, the council's external communication strategy.
 - (ii) Considering additional or alternative means for seeking the views of citizens and increasing community involvement and engagement in decision-making, in particular by the young and elderly.
 - (iii) Examining the potential of new technology in facilitating means of informing and engaging with the community.
 - (iv) Establishing, examining and developing the role of area forums.
- (c) The promotion and implementation of community development as a means to build capacity within communities and to reduce social and economic exclusion.
- (d) The promotion and development of joint working, collaboration and partnerships with statutory and non-statutory organisations with particular reference to the following:
 - (i) Promotion and achievement of sustainability.
 - (ii) Promotion of social inclusion.
- (e) The management and control of the council's functions in relation to the following:
 - (i) Media and publicity, data protection and freedom of information.
 - (ii) Grants to community and voluntary organisations.
 - (iii) The functions of the council as a local housing authority.
- (f) the management and control of land and buildings other than those appropriated to the Housing Revenue Account.
- (g) Action under the Rent Acts and the Housing Act 1988.
- (h) The administration of housing and council tax benefit including the council's powers to promote the take up of benefits.
- (i) The functions of the council in relation to gypsy and traveller caravan sites (excluding licensing activities).
- (j) The responsibility for the council's customer services including the customer service centre and the council's website.

5.6 Finance, Performance, Legal and Governance Portfolio

- (a) The council's performance and systems for managing it.
- (b) Procurement.
- (c) The management and control of the day-to-day administration of the financial affairs of the council.
- (d) The administration, collection and enforcement of the council tax, and non-domestic rates and sundry income.
- (e) The management and control of land and buildings other than those appropriated to the Housing Revenue Account.
- (f) The management and control of all democratic and electoral functions and services to councillors, including the following:
 - (i) Fixing the dates and times of Full Council, Cabinet and committee meetings.
 - (ii) The appointment of councillors, officers and others to other bodies, associations and organisations.
 - (iii) To consider the election of the Mayor and the appointment of Deputy Mayor and to recommend to the Council on the private and confidential agenda at its first meeting in each calendar year, a councillor for election as Mayor and a councillor for appointment as Deputy Mayor.
 - (iv) Standing Orders.
 - (v) Councillor training and development.
 - (vi) Civic twinning.
- (g) The management and control of the following functions of the council:
 - (i) Central support services.
- (h) The promotion and provision of access and facilities for disabled people.
- (i) The promotion and development of joint working, collaboration and partnerships with statutory and non-statutory organisations with particular reference to the creation of equality of opportunity.

5.7 Growth and Investment Portfolio

- (a) The consideration of the economic needs of the borough at local, subregional and regional level including the development and publication of the council's economic development strategy and the promotion of initiatives aimed at creating employment opportunities and actions to improve the prospects of attracting new industry and commerce into the borough.

- (b) Liaison with government departments, local authorities and other bodies on the preparation and review of such regional planning policies and guidance as may exist to promote the best interests of the borough including the making of representations on policy content or omissions, at all stages of the process.
- (c) The preparation, monitoring and review of a comprehensive statutory core strategy for the borough in accordance with prevailing national and regional policy guidance, the structure plan, and the borough council's planning objectives.
- (d) Liaison with, and the making of representations to, the Government, adjoining local planning authorities and local authority and professional associations on economic development, planning and building control policy, practice and legislative issues.
- (e) The Council's duties and responsibilities relating to Local Land Charges.

5.8 Leisure and Wellbeing Portfolio

- (a) The management and control, and the formulation of policy and strategy of the council's functions in relation to the following:
 - (i) The declaration of conservation areas.
 - (ii) Leisure centres.
 - (iii) Museums and art galleries.
 - (iv) Leisure management contracts.
 - (v) Grants to arts, cultural and recreational organisations.
 - (vi) Sports twinning.
- (b) The promotion of health improvement.
- (c) The promotion of initiatives to increase and facilitate tourism activities in the borough.
- (d) The management and control of, and the formulation of policy and strategy for the provision of services in the following:
 - (i) The council's parks, open spaces, play areas, recreation grounds, country parks and nature reserves.
 - (ii) Allotments.
- (e) Liaison and joint working with organisations responsible for the delivery of health care in the borough.

5.9 Operations and Traded Services Portfolio

- (a) The control of pollution, including refuse collection and recycling, street cleansing and abandoned vehicles.
- (b) The management and control of the Works Services Unit, the council's vehicle and plant fleet, stores, supplies and central purchasing.

5.10 Regulation and Safety Portfolio

- (a) The control of pollution, including refuse collection and recycling, street cleansing and abandoned vehicles.
- (b) The powers and duties of the council in connection with all public health and environmental health matters.
- (c) Markets.
- (d) Environmental protection, improvement, and promotion.
- (e) The management and control of, and the formulation of policy and strategy for the provision of services relating to crematoria, cemeteries, closed churchyards and burial grounds.
- (f) The exercise of the council's powers under Part 8 of the Anti-Social Behaviour Act 2003 in relation to complaints about high hedges.
- (g) The management and control of the council's functions in relation to crime and disorder.
- (h) The management and control of all matters relating to the council's health and safety duties including the formulation, approval, implementation and monitoring of policies and strategies.
- (i) Emergency planning and dealing with emergencies.
- (j) The review and monitoring of community safety policies.
- (k) The overview and discharge of the council's responsibility for crime and disorder and community safety including liaison and joint action with the police and other public agencies.
- (l) Car parking.

6. Scrutiny Committee

6.1 Exercise of functions

In relation to the terms of reference set out in Part 3C of this constitution, Scrutiny Committee shall have the following functions:

- (a) Appoint a chair and vice-chair of the committee, to determine the order of business of the committee and to determine whether an extraordinary meeting of the committee should be called or the venue of the meeting altered. The chair and the vice-chair will be appointed by the committee but, where practicable, the chair will be appointed from a political group which is not the group with the greatest number of seats on the Council.
- (b) Review and scrutinise the decisions made by and performance of Cabinet and council officers both in relation to individual decisions and over time.
- (c) Review and scrutinise the performance of the council in relation to its policy objectives, performance targets, the achievement of value for money and/or particular service areas.
- (d) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address Scrutiny Committee and local people about their activities and performance.
- (e) Question members of Cabinet, Leadership Team or any officer reporting direct to Leadership Team about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects; subject to Leadership Team having the right to attend for questioning instead of an officer reporting to him or her.
- (f) Question and gather evidence from any person (with their consent).
- (g) Exercise the right to call in for reconsideration decisions made but not yet implemented by Cabinet, by any area committee or joint arrangements exercising executive functions and officers making key executive decisions in accordance with the provisions of Standing Order 14 of Part 3C of this constitution.
- (h) Exercise overall responsibility for the finances made available to the committee.
- (i) Consider any matter affecting the area or its inhabitants.
- (j) Make recommendations to Cabinet or the Council arising from the outcome of the scrutiny process.

- (k) Make reports and/or recommendations to Cabinet and/or the Council and/or any policy, joint or area committee in connection with the discharge of any functions.

6.2 Policy development and review

Scrutiny Committee may do the following:

- (a) Assist the Council and Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues.
- (b) Conduct research, community and other consultation in the analysis of policy issues and possible options.
- (c) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- (d) Question Cabinet members and chief and second tier officers about their views on issues and proposals affecting the area.
- (e) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

6.4 Scrutiny management

The chair and the vice-chair of Scrutiny Committee shall perform the following functions:

- (a) Receive such motions as Council refers to Scrutiny Committee.
- (b) Ensure that the policies supporting the council's corporate priorities are reviewed on a regular basis by Scrutiny Committee.
- (c) Determine an overview and scrutiny work programme, and the allocation of work to task and finish groups, to ensure that there is efficient use of the committees' time, that the potential for duplication of effort is minimised and that the work programme enhances and supports the council's priorities and key aims.
- (d) Exercise overall responsibility for the finances made available to Scrutiny Committee.
- (e) Report annually to the Council on the work of Scrutiny Committee and make recommendations for future work programmes and amended working methods, if appropriate.

7. Grievance Committee and Appeals Committee

Grievance Committee shall have the following functions:

7.1 Personnel claims

The hearing and determination of claims to the council, except where such claims have been delegated to officers, in connection with:

- (a) the grading of posts
- (b) grievances
- (c) disciplinary action, including dismissal
- (d) claims for industrial injury

Appeals Committee shall have the following functions:

7.2 Personnel appeals

The hearing and determination of appeals to the council, except where such appeals have been delegated to officers, in connection with:

- (a) the grading of posts
- (b) grievances
- (c) disciplinary action, including dismissal
- (d) claims for industrial injury

7.3 Other appeals

The hearing and determination of any appeal against a determination of the authority except where such appeals have been delegated to officers or to another body.

8. Audit and Ethics Committee

Audit and Ethics Committee shall have the following functions:

Function	Statutory Reference
<p>1. Oversight of internal and external audit matters, the council's arrangements for corporate governance and risk management and any other arrangements for the maintenance of probity including:</p> <ul style="list-style-type: none"> • approval of the internal audit strategy/plan • approving the internal audit charter • receiving communication from the Corporate Assurance Manager and Transformation Lead on internal audit activity's performance relative to its plan and other matters • making appropriate enquiries of management and the Corporate Assurance Manager and Transformation Lead to determine whether there are inappropriate scope or resource limitations • approval for any significant additional consulting services not already included in the audit plan, prior to accepting the engagement • agreeing the scope of an external assessment • receiving the results of an external assessment including the progress against any improvement plans • considering any instances of non-conformance with the <i>Definition of Internal Auditing</i>, the <i>Code of Ethics</i> or the <i>Standards</i> • considering instances where the Corporate Assurance Manager and Transformation Lead believes that the level of agreed resources will impact adversely on the provision of the annual internal audit opinion (these consequences must be brought to the attention of the committee) • considering the Corporate Assurance Manager and Transformation Lead's annual report • review of the statement of internal control and any opinions or reports of external or internal audit or inspection agencies • assessing the effectiveness of the council's control environment, risk management and corporate governance arrangements • seeking any required assurances to ensure appropriate action is taken • monitoring performance in relation to any action required and making recommendations to Cabinet or Full Council as appropriate where executive action is required 	<p>S27 Localism Act 2011</p>
<p>2. Provision of independent scrutiny of the council's financial and non-financial performance, to the extent that it affects the council's exposure to risk and weakens the control environment</p>	<p>None</p>

Function	Statutory Reference
3. Review and approval of the council's Statement of Accounts	Local Audit and Accountability Act 2014 The Accounts and Audit Regulations 2015
4. Review and approval of the council's Annual Governance Statement	Local Audit and Accountability Act 2014 The Accounts and Audit Regulations 2015
5. Promoting and maintaining high standards of conduct by councillors, co-opted members and church parent governor representatives and officers	S27 Localism Act 2011
6. Assisting councillors, co-opted members and church and parent governor representatives to observe the Code of Conduct for Councillors	S27 Localism Act 2011
7. Advising the Council on the adoption or revision of the Code of Conduct for Councillors	S27 Localism Act 2011
8. Monitoring the operation of the Code of Conduct for Councillors	S27 Localism Act 2011
9. Advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Code of Conduct for Councillors	S27 Localism Act 2011
10. Considering the outcomes of investigations into complaints about members under the Code of Conduct in accordance with the complaint process agreed by the Council (Hearing Sub-committee)	S28 Localism Act 2011
11. Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to disclosable pecuniary interests (Dispensation Sub-Committee)	S33 Localism Act 2011
12. Dealing with the grant and supervision of exemptions from political restriction (Political Restriction Sub-committee)	S3A Local Government and Housing Act 1989

Function	Statutory Reference
13. Acting as the panel that will advise the Council in relation to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Financial Officer	Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

9. Hearing Sub-Committee

- 9.1 Audit and Ethics Committee will appoint a Hearing Sub-Committee as and when required to consider complaints about members in relation to the code of conduct and to determine whether there has been a failure to comply with the code.
- 9.2 Where it is found that there has been a failure to comply with the code, the sub-committee may impose sanctions with the agreement of the member concerned or make recommendations to the Council on the imposition of sanctions.

10. Dispensation Sub-Committee

Audit and Ethics Committee will appoint a Dispensation Sub-Committee as and when required with the following terms of reference:

To grant dispensations from either or both of the restrictions in section 31(4) Localism Act 2011 i.e. restrictions on participation and voting in relation to matters in which a member has a disclosable pecuniary interest, if in all the circumstances it considers that:

- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) granting the dispensation is in the interests of persons living in the authority's area;
- (d) without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive; or
- (e) it is otherwise appropriate to grant a dispensation.

11. Political Restriction Sub-Committee

Audit and Ethics Committee will appoint a Political Restriction Sub-Committee as and when required with the following terms of reference:

To deal with any particular matter relating to political restrictions and whether an exemption should be granted.

12. Membership of Hearing Sub-Committee, Dispensation Sub-Committee and Political Restriction Sub-Committee

- 12.1 The Chief Executive shall select members to sit, as and when required, as one of the sub-committees referred to in Sections 9, 10 and 11, to deal with a particular matter or matters.
- 12.2 The sub-committee shall consist of three or more elected councillors of Audit and Ethics Committee, where possible including members of at least two of the political groups represented on the Council.

13. Licensing and Safety Committee

Except in so far as a matter may be an executive function or has been reserved to Full Council or delegated to other persons (including officers) or bodies under this constitution, the following functions are given to Licensing and Safety Committee:

13.1 Licensing and Registration	
	Note: LG(MP)A = Local Government (Miscellaneous Provisions) Act
(a) Caravan sites	S3(3) Caravan Sites and Control of Development Act 1960 as amended and added to by the Mobile Homes Act 2013
(b) Moveable dwellings and camping sites	S269 (i) Public Health Act 1936
(c) Hackney carriages and private hire vehicles	
i) Licensing	Town Police Clauses Act 1847 as extended by S.171 Public Health Act 1875 and
ii) Extension to taxi licensing	S15 Transport Act 1985 and
iii) Licensing of Hackney Carriages	S47 LG(MP)A 1976
iv) Licensing of private hire vehicles	S48 LG(MP)A 1976
v) Transfer of private hire licences	S49 LG(MP)A 1976
vi) Power to require applicants to submit information	S57 LG(MP)A 1976
vii) Return of identification plate or disc on revocation or expiry of licence	S58 LG(MP)A 1976

13.1 Licensing and Registration	
viii) Suspension and revocation of vehicle licences	S60 LG(MP)A 1976
ix) Authentication of licences	S79 LG(MP)A 1976
(d) Drivers of hackney carriages and private hire vehicles	
i) Licensing of drivers of private hire vehicles	S51 LG(MP)A 1976
ii) Drivers' licences for hackney carriages and private hire vehicles	S53 LG(MP)A 1976
iii) Issue of drivers' badges	S54 LG(MP)A 1976
iv) Qualifications for drivers of hackney carriages	S59 LG(MP)A 1976
v) Suspension and revocation of drivers' licences	S61 LG(MP)A 1976
vi) Authentication of licences	S79 LG(MP)A 1976
(e) Hackney carriage and private hire vehicle operators	
i) Licensing of operators of private hire vehicles	S55 LG(MP)A 1976
ii) Operators of private hire vehicles	S56 LG(MP)A 1976
iii) Power to require applicants to submit information	S57 LG(MP)A 1976
iv) Return of identification plate or disc on revocation or expiry of licence	S58 LG(MP)A 1976
v) Suspension and revocation of operators' licences	S62 LG(MP)A 1976
vi) Authentication of licences	S79 LG(MP)A 1976
(f) Appointment of hackney carriage stands	S63 LG(MP)A 1976
(g) Functions relating to licensing (Licensing Act 2003)	
i) Statement of licensing policy, subject to approval by Council	S5 Licensing Act 2003
ii) Licensing committees	S6 Licensing Act 2003
iii) Exercise and delegation of functions	S7 Licensing Act 2003
iv) Requirement to keep a register	S8 Licensing Act 2003
(h) Licensing authority information – Duty to comply with requirements to provide information to the Gambling Commission	S29 Gambling Act 2005
(i) Functions relating to exchange of information – other exchange of information	S30 Gambling Act 2005
(k) Functions relating to occasional use notice	S39 Gambling Act 2005

13.1 Licensing and Registration	
(l) Power to resolve not to issue a casino premises licence	S166 Gambling Act 2005
(m) Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	S304 Gambling Act 2005
(n) Power to make order disapplying S. 279 or 282(1) of the 2005 Act in relation to specified premises	S284 Gambling Act 2005
(o) Power to institute criminal proceedings by local authorities	S.346 Gambling Act 2005
(p) Power to exchange information	S350 Gambling Act 2005
(q) Functions relating to the determination of fees for premises licences	S184 Gambling Act (Premises Licence Fees) (England and Wales) Regulations 2007
(r) Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 Gambling Act 2005
(s) Determination of application for a variation to a Licence where representations have been received and not withdrawn	Gambling Act 2005
(t) Determination of application for a transfer of a licence where representations have been received from the commission	Gambling Act 2005
(u) Determination of application for a provisional statement where representations have been received and not withdrawn	Gambling Act 2005
(v) Review of a premises licence i) Application for Review ii) Rejection of Application iii) Grant of Application iv) Initiation of Review by Licensing vi) Review vii) Action Following a Review viii) Determination	Gambling Act 2005: S197 S198 S199 S200 S201 S202 S203
(w) Application for club gaming and club machine permits where objections have been made and not withdrawn	Gambling Act 2005
(x) Cancellation of club gaming and club machine permits	Gambling Act 2005

13.1 Licensing and Registration	
(y) Decision to give a counter notice to a temporary use notice	Gambling Act 2005
(z) Provision of late-night refreshment	Schedule 2 Licensing Act 2003
(aa) Control of sex establishments	S2 and Schedule 3 LG(MP)A 1982
(bb) Hypnotism performances	Hypnotism Act 1952
(cc) i) Application of acupuncture, tattooing, ear piercing and electrolysis ii) Acupuncture iii) Tattooing, ear piercing and electrolysis iv) Subsections supplementary to ss. 14 and 15 vi) Power to enter premises	S13 LG(MP)A 1982 S14 LG(MP)A 1982 S15 LG(MP)A 1982 S16 LG(MP)A 1982 S17 LG(MP)A 1982
(dd) Power to license pleasure boats and vessels	S94 Public Health Acts Amendment Act 1907
(ee) Markets and street trading	Part III of Schedule 4 LG(MP)A 1982
(ff) Regulation and licensing of food premises	S19 Food Safety Act 1990
(gg) Regulation of scrap metal dealers	Scrap Metal Dealers Act 2013
(hh) Dog breeding premises	S1 Breeding of Dogs Act 1973 (BDA) S1 Breeding and Sale of Dogs (Welfare) Act 1999 (BSDA)
(ii) Pet shops and other animal boarding and breeding establishments i) Licensing of Pet Shops ii) Licensing of Boarding Establishments iii) Licensing of Riding Establishment iv) Provisional Licences for Riding Establishments v) Licensing of breeding establishments for dogs vi) Licensing of breeding establishments	S1 Pet Animals Act 1951 S1 Animal Boarding Establishments Act 1963 S1 Riding Establishments Act 1964 S1 Riding Establishments Act 1964 S1 Breeding of Dogs Act 1973 Ss1-8 Breeding and Sale of Dogs Act 1999
(jj) Licensing of zoos	S1 Zoo Licensing Act 1981
(kk) Dangerous wild animals licences	S1 Dangerous Wild Animals Act 1976
(ll) Knackers yards	S4 Slaughterhouses Act 1974
(mm) Collections for charitable and other causes i) Regulation of Street Collections	S5 Police Factories etc. (Miscellaneous Provisions) Act 1916

13.1 Licensing and Registration	
ii) Licensing of House to House Collections	S2 House to House Collections Act 1939
(nn) Consent to the operation of loudspeakers in streets or roads	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(oo) Approval and registration of premises as various types of food product establishments	Various regulations
(pp) Power to register motor salvage operators – regulation of motor salvage operators	Part 1 Vehicles (Crime) Act 2001
(qq) Designated Public Place Orders for the purpose of prevention of nuisance, annoyance, and disorder to members of the public if associated with consumption of alcohol	S13(2) Criminal Justice and Police Act 2001
(rr) Power to impose and administer a late-night levy	Ch 2 of Pt 2 Police and Social Responsibility Act 2011
(ss) Issue of licences relating to animal welfare	Animal Welfare Act 2006 and any regulations made thereunder

13.2 Health and Safety at Work	
Functions under any of the “relevant statutory provisions” within the meaning of Part I to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 in connection with work and control of dangerous substances and certain emissions into the atmosphere.

13.3 General

Monitor progress and make recommendations to the Cabinet on proposed policies.

14. Licensing Sub-Committee (Alcohol and Regulated Entertainment)

Licensing and Safety Committee has delegated the following functions to a Licensing Sub-Committee for alcohol and regulated entertainment, in accordance with Section 10 of the Licensing Act 2003:

14.1 The determination of applications

- (i) For a premises licence or to vary such a licence
- (ii) For a provisional statement
- (iii) To vary the designated premises supervisor

- (iv) For the transfer of a premises licence
- (v) For a club premises certificate or to vary such certificates
- (vi) For the grant or renewal of a personal licence
- (vii) For the review of a premises licence or a club premises certificate
- (viii) To be removed as a designated premises supervision

14.2 The consideration of:

- (i) A police objection made to interim authority notice
- (ii) Whether to give a counter notice following police objection to a temporary event notice
- (iii) Whether to revoke a licence where convictions come to light after its grant
- (iv) A review of the premises licence following closure order

14.3 The determination of applications

- (i) For the conversion of an existing licence
- (ii) For the conversion of an existing club certificate
- (iii) By the holder of a justices' licence for a personal licence

14.4 The power to submit comments on or object to an application made under the Act where the council is a consultee and not the determining authority in respect of that application.

The sub-committee's membership will be three available councillors selected for each meeting from the membership of Licensing and Safety Committee.

15. Licensing Sub-Committee (General)

15.1 Licensing and Safety Committee may delegate any of its licensing functions other than alcohol and regulated entertainment to a Licensing Sub-Committee (General) in order to respond to specific pressing needs such as:

- (i) a need to hear a licence application urgently;
- (ii) late applications for renewals; and/or
- (iii) applications where decisions have been deferred while awaiting further information.

15.2 Each meeting shall be convened at the request of a meeting of Licensing and Safety Committee or, if it is not practicable to obtain a decision of the committee, at the request of the chair of the committee.

15.3 The sub-committee shall be empowered to exercise any of Licensing and Safety Committee's licensing functions other than those relating to alcohol and regulated entertainment subject to any limitation specified by the committee meeting or committee chair requesting the meeting.

15.4 All decisions of the sub-committee shall be reported to the next meeting of Licensing and Safety Committee.

15.5 The sub-committee's membership will be three available councillors selected for each meeting from the membership of Licensing and Safety Committee.

16. Planning Committee

Except in so far as a matter may be an executive function or has been reserved to Full Council or delegated to other persons (including officers) or bodies under this constitution, the following functions are given to Planning Committee:

16.1 Planning and Development Control	
	Note: TCPA = Town and Country Planning Act
(a) Power to determine planning applications	S70 TCPA 1990
(b) Conditional grant of planning permission	S72 TCPA 1990
(c) Power to determine application to develop land without compliance with earlier conditions	S73 TCPA 1990
(d) Power to grant retrospective permission for development	S73A TCPA 1990
(e) Power to decline to determine subsequent applications	S70A TCPA 1990
(f) Power to decline to determine overlapping application	S70B TCPA 1990
(g) Duties relating to the making of determinations of planning applications <ul style="list-style-type: none"> (i) Register of Applications (ii) Duty to draw attention to certain provisions for benefit of disabled (iii) Limiting duration of planning permission (iv) Outline Planning permission (v) Non Material Changes (vi) Revoke or modify planning permission 	S69 TCPA 1990 S76 TCPA 1990 S91 TCPA 1990 S92 TCPA 1990 S96A TCPA 1990 S97 TCPA 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015
(h) Land of interested planning authorities and development by them Applications for planning permission	S316 TCPA 1990 S3 Town and Country Planning General Regulations 1992

16.1 Planning and Development Control	
(i) Powers relating to permitted development rights	Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015
(j) Power to enter into planning agreements, modification and discharge of planning obligations	S106 and S106A TCPA 1990
(k) Powers to issue certificate of existing lawful use and development	S191 TCPA 1990
(l) Certificate of lawfulness of proposed use or development	S192 TCPA 1990
(m) Termination of planning permission by reference to time limit: completion notices	S94 TCPA 1990
(n)(i) Regulations controlling display of advertisements (ii) Deemed consent (iii) Express consent (iv) Enforcement control of advertisements (v) Power to remove or obliterate placards and posters	S220 TCPA 1990 Part 2 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Part 3 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 S224 TCPA 1990 S225 TCPA 1990
(o) Power to authorise entry onto land without warrant	S196A TCPA 1990
(p) Orders requiring discontinuance of use or alteration or removal of buildings or works	S102 TCPA 1990
(q)(i) Power to require information about activities on land (ii) Enforcement of conditions (iii) Stop notices	S171C TCPA 1990 S187A TCPA 1990 S183 TCPA 1990
(r) Power to issue temporary stop notice	S171E TCPA 1990
(s) Power to issue, vary and withdraw enforcement notice	S172 and S173A TCPA 1990
(t) Power to apply for injunction in connection with a breach of planning control	S187B TCPA 1990
(u) Determination of applications for hazardous substances consent	S9 Planning (Hazardous Substances) Act 1990
(v) Power to impose conditions on grant of hazardous substances consent	S10 Planning (Hazardous Substances) Act 1990
(w) Power to require proper maintenance of land	S215 TCPA 1990

16.1 Planning and Development Control	
(x) (i) Decisions on applications for listed building consent	S16 (1) and (2) Planning (Listed Buildings and Conservation Areas) Act 1990
(ii) Power to impose conditions on grant of listed building consent	S17 Planning (Listed Buildings and Conservation Areas) Act 1990
(iii) Vary or discharge conditions	S19 Planning (Listed Buildings and Conservation Areas) Act 1990
(iv) Revoke and modify listed building consent	S23 Planning (Listed Buildings and Conservation Areas) Act 1990
(v) Certificate of lawfulness of proposed works	S26H and S26I Planning (Listed Buildings and Conservation Areas) Act 1990
(vi) General provisions as to compensation for depreciation under this Part	S31 Planning (Listed Buildings and Conservation Areas) Act 1990
(y) Control of demolition in conservation areas	S74 of Planning (Listed Buildings and Conservation Areas) Act 1990
(z) Duties relating to listed buildings	Ss 13(1) and 14(1) and (4) LBCA. Regs. 3 to 6 and 13; Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 (SI 1990/1519)
(aa) (i) Temporary listing: building preservation notices	Ss 3(1) Planning (Listed Buildings and Conservation Areas) Act 1990
(ii) Temporary listing in urgent cases	S4(1) Planning (Listed Buildings and Conservation Areas) Act 1990
(bb) Power to issue listed building enforcement notice	S38 Planning (Listed Buildings and Conservation Areas) Act 1990
(cc) (i) Compulsory acquisition of listed building in need of repair	S47 Planning (Listed Buildings and Conservation Areas) Act 1990
(ii) Repairs notice as preliminary to acquisition under S47	S48 Planning (Listed Buildings and Conservation Areas) Act 1990
(dd) Injunctions in connection with listed buildings	S44A Planning (Listed Buildings and Conservation Areas) Act 1990
(ee) Power to execute urgent works to preserve unoccupied listed buildings	S54 Planning (Listed Buildings and Conservation Areas) Act 1990
(ff) (i) Planning permission to include appropriate provision for preservation and planting of trees	S 197 TCPA 1990
(ii) Tree preservation orders	S198 to S214D TCPA 1990
(gg) Protection of hedgerows	Hedgerow Regulations 1997

With regard to the above legislation this relates to any subsequent revision, revocation or re-enactment of that legislation.

17. Shareholders Committee

Except in so far as a matter maybe an executive function or has been reserved to Full Council or delegated to another person (including officers) or bodies under this constitution, the following functions are given to Shareholders Committee, in regard to the council's trading entities.

These terms of reference for the council's Shareholders Committee have regard to, and apply the disciplines set out in the UK Stewardship Code and the Institutional Shareholders Committee's Statement of Principles.

In this context, a shareholder is expected to act where it believes that the directors are not best serving the shareholder's interests or acting in the interests of the beneficial owners (in this case the council, and those it represents). In order to discharge its duty to the council, Shareholders Committee will operate within the following terms:

1. To provide oversight of the council's trading company interests in accordance with any principles agreed by council and provisions contained within shareholders agreements.
2. Review and approve business plans and project plans as prepared by the companies' boards of directors, ensure the business plan is reviewed on a regular basis and contains key performance targets and milestones for the year all in accordance with any objectives or investment criteria as agreed by Council and as contained within respective shareholders agreements.
3. Regularly monitor the performance of council companies against the targets and milestones set.
4. Establishes timescales to facilitate the regular dialogue with companies and then undertakes that dialogue.
5. Sets out triggers where it will intervene should progress against the agreed business plan not be delivered.
6. Evaluates the impact of the company, including on the wider area and local markets.
7. Sets out a clear policy on discharge of its own responsibilities to the council.
8. Timetables and publishes public reports on how the companies are performing against their business plans.
9. Develops an annual audit framework which seeks information from companies in which the council is a shareholder or has an investment. (This information should at the very least, comprise the annual accounts, reports and statements that are required under the Companies Act 2006.)