

TERMS OF REFERENCE OF COMMITTEES FOR 2020-21

CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

Audit and Accounts Activity

1. To consider the Managing Director's bi-annual report on the summary of internal audit activity (actual and proposed) and the level of assurance that it can give over the Council's corporate governance arrangements.
2. To consider reports dealing with the management and performance of the providers of the internal audit function.
3. To consider reports from internal audit on recommendations agreed with heads of service as a result of an internal audit review which have not been implemented within a reasonable timescale.
4. To consider the external auditor's annual letter, relevant reports (both financial and strategic) and the report to those charged with governance and submit any comments to the Executive.
5. To consider specific reports submitted by the internal or external auditors.
6. To comment on the scope and depth of external audit work and ensure that it gives value for money.
7. To review the annual statement of accounts with specific emphasis on 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.
8. To approve the Council's statement of accounts each year.
9. To consider reports on treasury management matters prior to their referral to the Executive and Council
10. To consider quarterly budget monitoring reports.

Corporate Governance Activity

11. To monitor and review the operation of the Council's Constitution, particularly in respect of financial procedures and protocols, procurement procedures and guidelines.
12. To review any corporate governance issue referred to the Committee by the Managing Director, a Director, the Leader/Executive or any other committee of the Council.
13. To monitor the effective development and operation of risk management and corporate governance in the Council.
14. To consider the Council's statement on internal control and to recommend its adoption.
15. To consider the Council's arrangements for corporate governance and necessary actions to ensure compliance with best practice, together with any relevant issues referred by the Corporate Governance Group.

16. To consider the Council's compliance with its own and other published standards and controls.
17. To consider the annual report regarding complaints about the Council referred to the Local Government Ombudsman.
18. To approve payments or other benefits of a value greater than £5,000 arising from complaints to the Local Government Ombudsman.
19. To monitor the effectiveness of the Council's:
 - whistle-blowing procedure,
 - anti-fraud and corruption policy,
 - anti-bribery policy and procedure
 - complaints procedureand make appropriate recommendations to the Executive.
20. In relation to corporate health and safety, to receive reports on compliance with the Council's health and safety policies and standards, accident rates and claims and the financial implications of action taken in that regard.
21. In relation to human resources functions delegated to the Managing Director and Directors to receive reports on compliance with the Council's policies and procedures and the financial implications of action taken in that regard.
22. To consider an annual report on insurance claims against the Council including issues arising from them and steps taken to manage the risk of future claims of a similar nature.
23. Monitoring and auditing of the Council's equality and diversity policies.

Ethical Standards Activity

24. To promote and maintain high standards of conduct by councillors and co-opted members¹
25. To advise the Council on the adoption or revision of its code of conduct.
26. To assist councillors and co-opted members to observe the code of conduct.
27. To advise, train or arrange to train councillors and co-opted members on matters relating to the code of conduct.
28. To advise the public on matters relating to the code of conduct.
29. To agree arrangements for the selection and interviewing of candidates for appointment as Independent Persons (including such joint arrangements with other

¹ A "co-opted member" for this purpose is, defined in the Localism Act section 27 (4) as "a person who is not a member of the authority but who

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

councils as may be deemed by the Monitoring Officer to be appropriate) and to make recommendations to full Council on these appointments.

30. To agree allowances and expenses for the Independent Person and any Reserve Independent Persons
31. To grant dispensations, after consultation with the independent person, to councillors and co-opted members with disclosable pecuniary interests.
32. To determine whether to investigate allegations of misconduct by councillors or co-opted members in circumstances where such determination by the Monitoring Officer is considered by him to be inappropriate.
33. To determine, by way of a hearing, those allegations of misconduct by councillors or co-opted members where a formal investigation has found evidence of failure to comply with the code of conduct and where a local resolution has not been agreed.
34. To determine, following a hearing and a finding that a councillor or co-opted member has failed to comply with the code of conduct, such action as may be deemed appropriate and proportionate.
35. To make recommendations, following a hearing, to any parish council in the Council's area on action to be taken against any councillor or co-opted member of that parish council found to have failed to comply with that council's code of conduct.
36. To implement, monitor and review the operation of the code of conduct for staff.
37. To implement, monitor and review the operation of the Protocol on Councillor/ Officer Relations.
38. To undertake the Council's ethical governance audit of the rules and procedures applying within the Council and to consider the need for any further provisions.
39. To consider any other matter referred by the Monitoring Officer.

NB. Reference to councillors or co-opted members includes councillors or co-opted members of parish councils in the Council's area.

EMPLOYMENT COMMITTEE

1. To approve the Council's human resources policies.
2. Following the relevant procedures set out in Officer Employment Procedure Rules in Part 4 of the Constitution:
 - (a) To make recommendations to full Council in respect of the appointment or dismissal of Relevant Officers
 - (b) To determine disciplinary action short of dismissal of Relevant Officers
 - (c) To determine the appointment, dismissal or disciplinary action short of dismissal of the Deputy Managing Director or Directors, provided that they are not Relevant Officers

- (d) To constitute the Appeals Panel provided that such Panel shall comprise only those members or substitute members of the Employment Committee who were not involved in the original Hearing.
3. To determine remuneration and pension discretions relating to the Managing Director and Directors in accordance with the Council's approved human resources policies and Pay Policy Statement.
4. To approve or make a recommendation to Council for any financial settlement with any Director in connection with the termination of his or her employment, subject to the requirements of the Pay Policy Statement.
5. To make recommendations to Council in relation to any financial settlement with the Managing Director in connection with the termination of his or her employment.
6. To conduct a hearing into any unresolved grievance brought by the Managing Director.

EXECUTIVE ADVISORY BOARDS

Each Executive Advisory Board will consider reports on matters relating to the functions of the Executive that fall within its remit. The remits of each Executive Advisory Board are shown below and are aligned to themes in the Corporate Plan; they will be reviewed and approved at the Council's Selection meeting each year. The Executive Advisory Boards will meet in public, be webcast, and be subject to Part C of the Council Procedure Rules, Public Speaking Procedure Rules and Access to Information Procedure Rules in Part 4 of the Constitution.

Membership:

- (a) Each Executive Advisory Board shall comprise 12 non-executive councillors, one of whom shall be appointed by the Council as chairman, with normal voting rights.
- (b) The Council shall appoint a vice-chairman for each Executive Advisory Board.
- (c) Proportionality rules will apply.
- (d) Substitutes will be allowed in accordance with the rules and procedures of this Constitution, and in respect of each Executive Advisory Board, the Council may appoint up to seven substitute members for each political group.

Meetings:

- (a) Each Executive Advisory Board shall normally meet eight times annually.
- (b) Relevant Executive members will be expected to attend Executive Advisory Board meetings and should normally present matters (with officer support) for discussion at meetings and engage actively in a dialogue with the Executive Advisory Boards regarding those matters.
- (c) The quorum of each Executive Advisory Board will be 4.

Responsibilities:

Each Executive Advisory Board will have the following general responsibilities within its remit:

- (a) To consider and (where necessary) make recommendations on all Key (or other significant) Decisions, prior to the formal consideration of all such decisions by the Executive.

- (b) To assist and advise the Executive in the development of Policy Framework issues.
- (c) To undertake research and reviews for the purpose of advising the Executive on the delivery of Corporate Plan Priorities.
- (d) To advise the Executive at an early stage in respect of the formulation and development of policies and projects that will help to deliver Corporate Plan Priorities
- (e) To assist in the development of Executive Decisions
- (f) To assist and advise the Executive as regards budget preparation.
- (g) To develop and maintain a work programme ensuring that there is efficient use of its time

Powers:

Each Executive Advisory Board will have the power:

- (a) To require the Leader and/or lead councillors and officers to attend before it to answer questions
- (b) To question and gather evidence from any person (with their consent)
- (c) To co-opt expert individuals on a non-voting basis to assist their work.
- (d) To set up panels, task groups or breakout groups to look at specific issues relating to the delivery of the Corporate Plan (or other significant priorities) in order to inform decision making by the Executive. For the avoidance of doubt, the membership of such panels and groups shall be open to all councillors.

Remits:

The remits of the Executive Advisory Boards will be as follows:

- (a) [The Place Making and Innovation] Executive Advisory Board. [To be aligned to themes in the new Corporate Plan]
- (b) [The Community] Executive Advisory Board [To be aligned to themes in the new Corporate Plan]

Protocol for their operation:

- (1) EABS are advisory in nature and do not have any substantive decision-making powers delegated to them. EABS are to act as a source of advice to the Executive.
- (2) EABS will enable greater involvement and engagement of councillors and the public in significant Executive decisions.
- (3) EABS will advise the Executive at an early stage about the formulation and development of policies and projects that will help deliver Corporate Plan priorities. The EABS are intended to enable backbench councillors to be more closely involved with issues of greatest importance to the Council.
- (4) The chairmen and vice-chairmen of the EABS will meet regularly to identify priorities and prepare draft work programmes for consideration and approval by the EABS and, as part of this process, will take into account the forthcoming key or significant Executive decisions set out in the Forward Plan. Subject to paragraph (5) below, those matters identified in the agreed work programmes will be considered by the EABS in detail.
- (5) When considering an Executive decision, the EABS will aim to do so at a time when it is still open to influence, that is to say, when there is an expectation that a recommendation or suggestion for improvement could realistically lead to change.

EAB agendas will list all forthcoming key or significant Executive decisions set out in the Forward Plan, except those that are urgent.

- (6) EABs will determine their final recommendations to the Executive by consensus if at all possible.
- (7) The advice of EABs to the Executive, including explanation for any recommendations, will be contained within a report considered by the Executive. The justification for not accepting advice from an EAB is to be made clear in the options considered by the Executive.
- (8) Membership of both an EAB and the Overview and Scrutiny Committee does not inevitably create a conflict of interest. As a rule, councillors should not be involved in scrutinising a decision in which they have been involved directly; yet, EABs are advisory and it remains the responsibility of the Executive to formally take and implement the decision.

LICENSING COMMITTEE

1. Except as otherwise provided in the Licensing Act 2003 and the Gambling Act 2005, all functions of the licensing authority prescribed by those Acts.
2. All other functions relating to licensing and registration in so far as they are the responsibility of the Borough Council as specified in Section B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
3. All functions relating to health and safety at work in so far as they are the responsibility of the Borough Council as specified in Section C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
4. To determine any changes to taxi and private hire licence fees and charges on an annual basis, and to authorise statutory publication of the fees and charges.
5. To consider objections following the statutory publication of the fees and charges referred to in 4. above and to approve the final fees and charges.

OVERVIEW AND SCRUTINY COMMITTEE

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by Sections 21 and 21A of the Local Government Act 2000 or regulations made under Section 32 of the Local Government Act 2000. This Committee is also the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006.

The work of the Overview and Scrutiny Committee should focus on the Council's principles, practice, procedures and performance (rather than politics and personalities); the work will be informed by the following principles:

- (i) Constructive "critical friend" challenge
- (ii) Amplifies the voices and concerns of the Public
- (iii) Led by independent people who take responsibility for their role; and
- (iv) Drives improvement in public services

The provisions of these terms of reference are subject always, and without prejudice, to Section 9F of the Local Government 2000.

General Terms of Reference:

- (a) to perform all overview and scrutiny functions on behalf of the Council;
- (b) to appoint such formal sub-committees and informal task and finish groups as it considers appropriate to fulfil those overview and scrutiny functions;
- (c) to approve the overview and scrutiny work programme so as to ensure that the Committee's time is effectively and efficiently utilised;
- (d) to undertake investigations into such matters relating to the Council's functions and powers as:
 - (i) may be referred by the Leader/Executive; or
 - (ii) the Committee may consider appropriate; or
 - (iii) have been referred to the Committee pursuant to the "call-in" procedure set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution;

(In respect of (iii) above, the Committee may review the decision or, if it so wishes, refer the matter to the full Council for review.)
- (e) to review and advise on all existing policies of the Council, including making recommendations for future options to the Leader/Executive;
- (f) to review arrangements to secure continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
- (g) to monitor and review the Council's performance against relevant national and local performance indicators and adopted plans and strategies;
- (h) to consider any matter affecting the area or its inhabitants;
- (i) to discuss initiatives put forward for consideration by individual members of the Committee;
- (j) to deal with any relevant councillor call-for-action in accordance with the protocol attached as Appendix 1 to the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution; and
- (k) to consider petitions received under the adopted Petition Scheme that fall into the following categories:
 - petitions requiring a senior officer to give evidence to the Committee; and
 - a request from a petition organiser, who is not satisfied with the Council's response to a petition, for a review of the adequacy of the steps taken or proposed to be taken in response to the petition.

Specific Functions

(a) Policy Development and Review

The Overview and Scrutiny Committee may:

- (i) assist the Council and the Leader/Executive in the development of the budget and policy framework by in-depth analysis of policy issues; and the Overview and Scrutiny Committee may obtain evidence from members of the public or expert witnesses to inform its response
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) question the Leader, lead councillors, Managing Director and Directors about their views on issues and proposals affecting the area; and
- (iv) liaise with, and scrutinise, 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; any such organisation that is working in partnership with the Council will be expected to have regard to the reports and recommendations of the Committee

(b) Scrutiny

The Overview and Scrutiny Committee may:

- (i) review and scrutinise the performance of and the decisions made by the Leader, lead councillors individually or the Executive collectively and Council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question the Leader, lead councillors, Managing Director and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time; in relation to particular decisions, initiatives or projects; or in relation to the portfolios of the Leader or of Lead Councillors (or any parts thereof). As part of this process, the Committee may facilitate the asking of questions submitted in advance by members of the public;
- (iv) make recommendations as appropriate to the Leader/Executive and/or the Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance;
- (vi) question and gather evidence from any person (with their consent) and require information from partner organisations; and
- (vii) use innovative ways to scrutinise matters of concern such as select committees, public hearings, mystery shopping and workshops; the issue

being investigated should be matched to the most appropriate process.

(c) Finance

- (i) The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.
- (ii) The Committee may request that a budget be made available to it for the purposes of research, the costs of expert witnesses, site visits, non-meeting based activities and matters similar thereto.

(d) Annual Report

The Overview and Scrutiny Committee must report annually to the full Council on its work undertaken during the year, its future work programme and amended working methods if appropriate.

PLANNING COMMITTEE

1. All functions relating to town and country planning and development control in so far as they are the responsibility of the Borough Council as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
2. All functions relating to:
 - (a) the stopping up or diversion of footpaths, bridleways or restricted byways affected by development;
 - (b) the extinguishment of public rights of way over land held for planning purposes; and
 - (c) trees and hedgerows

as specified in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).