

## Part C3: Committee Functions

Council has established the Committees set out in the table below to discharge certain functions but retains the right to a concurrent and overriding exercise of all functions in the table below. Unless otherwise required by law, a Committee or Sub-Committee may determine not to exercise a function delegated to it and refer that function upwards for determination by Council or the parent Committee.

The Council must have at least one Overview and Scrutiny Committee.

A Committee may establish such Sub-Committee(s) as it sees fit to undertake certain of its functions and the Table below include such Sub-Committees. (If applicable)

Overview and Scrutiny	
Consisting of 10 members	
To perform a broad-based overview and scrutiny role across all areas of the Council, while discharging the functions conferred by the Local Government Act 2000 as amended and any associated regulations, including:	
1	Co-ordinate, champion, and lead on the scrutiny of Council and Executive decisions. Ensure consistency and compatibility between the policies and strategies of the Council contributing to the Continuous Improvement of Public Services
2	Have all of the functions, powers and duties conferred by Section 21 of the Local Government Act 2000 (as amended)
3	Determine the allocation of work in the event that the scope of the subject matter of a scrutiny study or investigation overlaps the role of more than one Sub-Committee or Task and Finish Group
4	Review the operation of the scrutiny process and work programmes of the Overview & Scrutiny Sub Committees and Task and Finish Groups and inform and advise Council in relation to priorities and the allocation of resources
5	Oversee and review the resources, support, training, and development of Overview & Scrutiny Members
6	Develop a positive “critical friend” approach to the role of scrutiny of the Council and Community issues and Review and scrutinise decisions made, or other action taken, by the Cabinet collectively or by individual Cabinet Members
7	Provide and co-ordinate the input to an annual report to Full Council on such issues or topics as the Committee sees fit and Produce special interest reports following topic reviews
8	Consider the management of matters called in for review under the Overview and Scrutiny Rules
9	Consider matters referred to it by the Councillors’ Call for Action
10	Review and scrutinise the work of the Cabinet and consider, and comment, on the Corporate Plan, Community Strategy; and the draft Medium Term Financial Strategy, and annual Budget.
11	Review and scrutinise the content of the Forward Plan and monitor that actions required arising out of decisions made are implemented and evaluate the impact of decisions made

Overview and Scrutiny	
12	Review and scrutinise the decisions and policies of the Council (N.B. This does not apply to decisions made on quasi-judicial matters but can apply to the process by which such decisions are made)
13	Consider any matters which affect the authority, the District, or its residents Liaise with other external organisations operating in the District, whether national, regional or local, to ensure that the interests of local people are protected or enhanced by collaborative working.
14	Overview the development of policies and strategies within the Council and scrutinise the effectiveness of the Council's policies and strategies, in particular in achieving defined outcomes or objectives. Assist in the development of new policies and strategies, or the review of existing ones.
15	Review and assess the Council's overall performance in relation to its policy objectives, performance targets and budgets and/or particular service areas, and make recommendations thereon to the Cabinet and/or the Council
16	Review and assess the quality of service delivery, performance and efficiency across the Council, identify and promote best practice and make recommendations thereon to the Cabinet and/or the Council
17	Consider and comment on service reviews/transformation
18	Participate in county-wide joint scrutiny arrangements. 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
19	Review and scrutinise the performance of other public bodies in the area (inviting reports from them by requesting them to address the Committee and local people about their activities and performance)
20	Act as the Council's Crime and Disorder Committee, having all the powers and functions, powers and duties conferred by Section 19 of the Crime and Justice Act 2006
	<b>Powers</b>
21	The Committee has the right to require the attendance of any Council Officers and/or Members in order to respond directly to any issue under consideration.  To review any issues referred to it by the Chief Executive, other Statutory Officer, or any other Council body; and,  The power to call expert witnesses from outside the Council to give advice on matters under review or discussion.

Planning and Licensing Committee	
Consisting of 11 members	
1	To determine planning applications, the terms of planning agreements and such other matters as are considered appropriate from time to time, excluding matters relating to policy.
2	To determine matters relating to planning as a Local Planning Authority excluding strategic planning matters such as the preparation, adoption and review of the Council's statutory Local Development Plan and representation of the Local

Planning and Licensing Committee	
	Planning Authority's view to other bodies as appropriate on strategic planning matters.
3	Without prejudice to the above roles and the Council's Scheme of Delegation, the Planning Committee shall be responsible for those matters set out in Part A (Functions relating to Town and Country Planning and Development Control) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
4	To determine: <ul style="list-style-type: none"> <li>• Applications submitted by or on behalf of the District Council, or for development on Council owned land or where the Council has a direct interest, except where no objections are received or any application required in connection with flood prevention/alleviation schemes. For purposes of clarity, once the principle of development has been established by Committee, subsequent applications to discharge conditions or for minor variations may be determined in accordance with the Non-Executive Officer Scheme of Delegation</li> <li>• Applications submitted by a serving Member or Officer of the Council or a consultant employed by the Council, or in which they have a beneficial interest (i.e. they own the land or are a prospective purchaser), or submitted by an immediate relative to the above; with the exception of applications made by non-Planning staff (excluding those in politically restricted posts) for householder development.</li> </ul>
5	To determine: <ul style="list-style-type: none"> <li>• Applications, which constitute a significant departure from the most up to date Local Plan that is formally approved or adopted by the Council for Development Management purposes.</li> <li>• Applications which involve an agreement under S.106 of the Town &amp; Country Planning Act 1990, or the proposed variation or discharge of a Section 106 deed, that materially differs from the Council's standard models or departs from the reasons for the original imposition of the obligation</li> <li>• Applications which are accompanied by an Environmental Statement.</li> <li>• Applications for the felling of a tree(s) protected by a Tree Preservation Order (except where exempted by the Act) and not associated with an application for planning permission, where there are objections received</li> </ul>
6	To make recommendations to the Cabinet on the budget for the Committee.
7	To make recommendations to Full Council in terms of the level of delegation to Officers.
8	To undertake all matters in relation to the statutory licensing and registration functions of the Council (save to the extent that such responsibility has been delegated to another sub-committee of this Committee or Officer by the Council) such duties to include liquor, entertainment and late night refreshment licensing and the Gambling Act 2005. The Committee's role includes the formulation and approval of policy guidelines with the exception of the following which are dealt with by the Council: <ul style="list-style-type: none"> <li>• Licensing Policy Statement - Licensing Act 2003</li> <li>• Gambling Policy - Statement of Principles - Gambling Act 2005.</li> </ul>

### Planning and Licensing Committee

9	To hear and determine licence applications that are contentious and/or where objections have been lodged by statutory consultees, residents, other third parties or where officers have reservations about the appropriateness of an application or the suitability of an applicant.
10	Without prejudice to the above roles and the Council's Scheme of Delegation the Planning & Licensing Committee shall be responsible for those matters set out in Parts B and C (Licensing and Registration functions) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the Licensing Act 2003 and the Gambling Act 2005.
11	The Planning & Licensing Committee shall be empowered to set up a sub-committee or sub-committees to discharge functions and act in accordance with powers delegated by the Committee. In the context of the Committee's powers under the Gambling Act 2005, sub-delegation may extend to the permitted discharge of functions by an officer.
12	To receive reports and determine policy in relation to street trading.
13	To approve policy and to determine fees in relation to scrap metal dealer licensing

### Licensing Sub Committee (Licensing Act 2003)

1	To determine applications where representations are made, or to determine a review application
2	To review a personal licence

### Licensing Sub Committee (Taxi, Private Hire and Street Trading)

1	To determine applications where relevant offences feature on the Disclosure and Barring Service (DBS) check
2	To consider representations as made to review a licence

### Audit and Governance Committee

Consisting of 7 members

#### Governance, risk and control

1	<p>Monitor the adequacy and effectiveness of the Council's governance arrangements including:</p> <ul style="list-style-type: none"> <li>• Monitoring the effectiveness of the Chief Finance Officer's responsibility for ensuring an adequate internal control environment;</li> <li>• To approve the Risk Management Policy Statement and monitor its operation;</li> <li>• Monitoring the arrangements for the identification, monitoring and control of strategic and operational risk within the Council;</li> <li>• Monitoring the adequacy and effectiveness of the arrangements in place for combating fraud and corruption;</li> <li>• Providing an annual report to Council that its systems of governance are operating effectively, which includes the Committee's performance in relation to the terms of reference;</li> <li>• Reviewing and approving the annual Statement of Accounts, Annual Governance Statement and its associated assurance framework;</li> </ul>
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## Audit and Governance Committee

- Considering the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements;
- Ensuring that Internal Audit has the right of independent access to the Committee and its Chair;
- Reviewing and monitoring treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice;
- Considering and advising changes to the Council's Constitution in respect of Contract Standing Orders and Financial Regulations;
- Formulating and keeping under review a Code of Conduct to promote high ethical standards amongst Officers and doing anything that is considered to promote and maintain high standards of conduct by Officers;
- Formulating and keeping under review the Council's 'whistle-blowing' policy;
- Formulating and keeping under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman;
- Monitor the adequacy and effectiveness of cyber security arrangements (the protection of information systems, hardware, software and associated infrastructure, the data on them, and the services they provide, from unauthorised access, harm or misuse). This includes harm caused intentionally by the operator of the system, or accidentally, as a result of failing to follow security procedures.

## Ethics and Behaviours

- 2 To promote, maintain and assist the achievement of high standards of conduct by Councillors and co-opted members in accordance with the Council's Code of Conduct for Members.
- To monitor the operation of the Code of Conduct for Members;
  - To advise the Council on any amendment or revision of the Code;
  - To secure adequate and appropriate training of Councillors and co-opted Members on the Code of Conduct for Members;
  - To give general guidance and advice to Councillors on Members' interests and keep under review the Register of Members' Interests maintained by the Monitoring Officer; and
  - To give general guidance and advice to Councillors and employees on gifts and hospitality.

## External Audit

- 3 Monitor the adequacy and effectiveness of the Council's external audit service and respond to its findings. Specifically:
- Considering the appointment, nature and scope of the external audit of the Council's services and functions;
  - Receiving and considering all external audit reports including the annual plan, annual audit letter and governance report; and
  - Monitoring management's response to the external auditor's findings and the implementation of external audit recommendations.

## Internal Audit

## Audit and Governance Committee

4	<p>Monitor the adequacy and effectiveness of the Internal Audit service. Specifically:</p> <ul style="list-style-type: none"><li>• Approving the Internal Audit Charter;</li><li>• Approving the annual risk based Internal Audit Plan;</li><li>• Receiving communications from the Chief Internal Auditor on the internal audit activity's performance relative to its plan and other matters, including the annual report and opinion;</li><li>• Receiving and considering major Internal Audit findings and recommendations;</li><li>• Monitoring management's response to Internal Audit findings and the implementation of the recommendations;</li><li>• Making appropriate enquiries of management and the Chief Internal Auditor to determine whether there are inappropriate scope and resource limitations;</li><li>• Agreeing the scope and form of the external assessment as part of the quality assurance and improvement plan;</li><li>• Receiving the results of internal and external assessments of the quality assurance and improvement programme, including areas of non-conformance with professional standards; and</li><li>• Approving significant consulting services not already included in the audit plan, prior to acceptance of the engagement, if this materially impacts on core assurance activity.</li></ul>
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## Treasury Management

5	<p>To consider reports on the Council's Treasury Management function including:</p> <ul style="list-style-type: none"><li>• Recommending the Treasury Management Strategy to Council</li><li>• Recommending the half-year and outturn Treasury Management performance reports to Council</li><li>• Receiving updates from the Council's Treasury Management advisor and providing guidance to the S.151 Officer in exercising delegations under the Treasury Management Strategy</li></ul>
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## Powers

6	<ul style="list-style-type: none"><li>• The Committee has the right to require the attendance of any Council officers and/or members in order to respond directly to any issue under consideration;</li><li>• To review any issues referred to it by the Chief Executive, other statutory officer or any Council body; and</li><li>• The power to call expert witnesses from outside the Council to give advice on matters under review or discussion.</li></ul>
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## Hearings Panel

7	<p>To establish a Hearings Panel to make recommendations to Council in conjunction with the Independent Person, to hear allegations that Members have failed to comply with the Member's Code of Conduct. Specifically to:</p> <ul style="list-style-type: none"><li>• Assess and review allegations of Member misconduct;</li><li>• Determine allegations of Member misconduct; and</li><li>• Agree sanctions as appropriate</li></ul>
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### Performance & Appointments Committee (Statutory Officers)

Consisting of 7 members

1	To recommend the appointment of the Chief Executive, Deputy Chief Executive, (Section 151 Officer if not the Deputy Chief Executive) and Monitoring Officer to Council.
2	To consider all relevant matters relating to the salaries and contractual terms of the Chief Executive/Head of Paid Service and Statutory Officers.
3	To approve terms for the retirement of the Chief Executive (Head of Paid Service).
4	To conduct grievance and disciplinary matters in respect of the Statutory Officers in accordance with the Council or statutory procedures (Members must be trained to carry out this role).
5	To suspend the Chief Executive and Statutory Officers whilst an investigation takes place into alleged misconduct.
6	To conduct appraisals of the Chief Executive (N.B. For this purpose, the Leader of the Council, in consultation with the other Panel Members, will select an Appraisal Panel of four Members, to include one other Group Leader).
7	To manage and consider any disciplinary and/or capability and any grievance matters arising in relation to the Statutory Officers
8	To carry out the function of an Investigating & Disciplinary Committee as set out in the JNC Conditions of Service for Chief Executives and the JNC Conditions of Service for Chief Officers.
9	<p>In respect of Statutory Officers to:</p> <ul style="list-style-type: none"><li>(a) decide whether the issues requires no formal action or</li><li>(b) whether the issue should be referred to an Independent Person</li><li>(c) be responsible for the appointment and terms of reference of the Independent Person</li><li>(d) receive and consider the report of the Independent Person</li><li>(e) hold a capability or disciplinary hearing</li></ul> <p>Following receipt of any Independent Person report, to determine a course of action (up to and including dismissal) within the Council's powers under law and in accordance with the Council's procedures including the procedures set out in the Officer Employment Procedure Rules. Council must approve any dismissal of Statutory Officers.</p>

### Appeals Committee

1	To deal with appeals in respect of those licensing, registration and other functions of the Council where there are no rights of appeal through the Court system.
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### Working Groups

1	Working Groups may be formed by the Cabinet, Cabinet Members, or by Committees, for ad hoc, project-specific tasks. Their work should be scoped upon formation, and time-limited and business to be discussed at any meeting will be prescribed in advance by terms of reference
2	Whilst Members of the Council will be invited to participate, other persons may be invited to attend at the discretion of the 'body' that formed the working group.

## Working Groups

3	Working Groups are designed to facilitate discussion and the exchange of ideas on specific topics, which could include policy development but are not decision-making bodies.
4	Working Groups will be serviced by subject matter expert officers and a record will be kept of the issues considered and the outcome of the Group's discussions will be circulated to body that formed the working group.
5	Working Groups may be formed to consider a cross-cutting issue, or to assist a scrutiny inquiry.