

Part Two, Section E

Non-Executive Committees

To discharge non-executive functions which are not reserved to Full Council alone, the Council has established the following ordinary committees:

Section E1: Planning Committee

Section E1A: Planning Policy Committee

Section E2: Licensing Committee

Section E3: Audit and Finance Committee

Section E4: Overview and Scrutiny Committee

Section E5: Standards Committee

Section E6: Human Resources Committee

The terms of reference of these Committees and their delegated powers are set out in the following pages.

SECTION E 1 – PLANNING COMMITTEE

1 Committee Form and Structure

Committee Scope

- 1.1 The majority of planning applications are dealt with by officers under delegated powers from the Planning Committee, as they are relatively straightforward.
- 1.2 Where development control functions are discharged by the Planning Committee, the meeting will consider applications and related planning matters which are being determined or considered by the Council as the Local Planning Authority.

Composition

- 1.3 The Planning Committee will comprise 7 Councillors in **political balance**.
- 1.4 The Chairman will be appointed by **Full Council** annually.

Quorum

- 1.5 The Planning Committee quorum will be 3 Councillors.

Reserves

- 1.6 Each group may appoint reserve members.

Competency

- 1.7 All members of the Committee and Councillors attending as reserves must:
 - a. have undertaken appropriate training in the relevant law and procedures which relate to the Committee's work;
 - b. undertake further appropriate training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Director; and
 - c. undertake an assessment of competency and knowledge.
- 1.8 The Planning Committee shall observe the **Councillors' Planning Code of Conduct**.

2 Matters reserved for the Planning Committee

- 2.1 To exercise the Council's functions relating to town and country planning and development control, footpaths and other rights of way.
- 2.2 To determine all applications and consultations submitted to the Council on any planning matter:

- a) Which is contrary to the provisions of an approved development plan or adopted planning policy approved by the Council, and which is recommended for approval;
- b) Submitted by or on behalf of a Councillor (or their spouse or partner) or by any member of the Council's staff (or their spouse or partner);
- c) On Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Head of Planning, in consultation with the Chairman of the Planning Committee, determines should be subject to members' consideration;
- d) Which the Head of Planning considers should be presented to Planning Committee for decision including for example, those developments that in their opinion are particularly controversial, likely to be of significant public interest, or which may have a significant impact on the environment; or
- e) Where, within four weeks of its receipt by the Council, or within seven days of being notified that it is intended to grant permission for an application:
 - i) Where five or more individual letters¹ - each raising material planning objections²³ have been received by the Council; and
 - ii) The local ward Councillor (or in the absence of the local ward Councillor the Chairman or Vice Chairman of the Planning Committee) requests in writing to the Head of Planning, giving good material planning reasons, that the application be determined by the Planning Committee and the referral is agreed by the Chairman of the Planning Committee, the Head of Planning and the **Cabinet member with portfolio responsibility** for Planning.
- f) Under the Town and Country Planning Act 1990, Listed Building Consent, Conservation Area Consent and related matters and any other planning legislation concerning granting planning permission for development already carried out and without compliance with conditions previously attached;
- g) Where the application is to vary or remove a condition that was imposed by the Planning Committee;
- h) Where the development in question is materially contrary to the policies of an approved development plan or adopted planning policy approved by the Council;

¹ To be individual each letter must be from a different household and be written so that it is unique to the objector. Letters based upon a common template or pro forma shall not be treated as individual letters. Letters which state that the author objects but do not give reasons will not be counted. Signatures on petitions will not be counted as individual objections.

² To be material the objection must be related to the development and use of land in the public interest and must fairly and reasonably relate to the application concerned.

³ In the case of applications for the approval of reserved matters following the grant of outline planning permission representations from third parties will not be treated as objections when they raise issues that are, in the opinion of the Head of Planning), not material to the determination of such applications in accordance with the relevant statutory provisions.

- i) Where a local ward Councillor has requested the breach of planning control be referred to Planning Committee for decision; or
 - j) Where a legal agreement relating to that development is required
- 2.3 Make orders under planning powers relating to comprehensive development areas, the discontinuance of the use of land, or the removal of buildings and works where compensation may become payable.
 - 2.4 To receive the draft Havant Borough Council Local Plan from the Planning Policy Committee for consideration and approval for public consultation.
 - 2.5 To receive the draft Havant Borough Council Supplementary Planning Documents from the Planning Policy Committee for consideration and approval for public consultation.
 - 2.6 To receive the draft Havant Borough Council Community Infrastructure Levy (CIL) charging schedule and draft spending protocol from the Planning Policy Committee for consideration and approval for public consultation.
 - 2.7 To exercise on behalf of the Council the function of final approval of the Area Action Plans, and any other document including a Site Allocation Policy, which form part of the Local Plan.
 - 2.8 To exercise a consultation and advisory role, commenting upon the content of proposed planning policy developed by the Planning Policy Committee and upon the effectiveness of existing policies employed in development control decisions.
 - 2.9 To determine applications for **Large Scale Major Development**.

SECTION E 1 A – PLANNING POLICY COMMITTEE

1 Committee Form and Structure

Committee Scope

- 1.1 The purpose of the Planning Policy Committee is to consider planning policy matters and to make recommendations to Planning Committee, Cabinet or Council, as appropriate on planning policy issues, particularly in connection with the Havant Local Plan.

Composition

- 1.2 The Planning Policy Committee will comprise 10 Councillors in **political balance**.
- 1.3 The Chairman will be appointed by **Full Council** annually.

Quorum

- 1.4 The Planning Committee quorum will be 6 Councillors.

Reserves

- 1.5 Reserve members are not permitted.

Competency

- 1.6 All members of the Planning Policy Committee must:
- a. have undertaken mandatory training in the relevant law and procedures which relate to the committee's work; and
 - b. undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Director; and
- 1.7 The Planning Policy Committee shall observe the Planning Protocol.

2 Matters reserved for the Planning Policy Committee

- 2.1 To formulate the Havant Borough Council Local Plan for referral to the Planning Committee for consideration and approval for public consultation
- 2.2 To formulate the draft Havant Borough Council Supplementary Planning Documents for referral to the Planning Committee for consideration and approval for public consultation
- 2.3 To formulate the draft Havant Borough Council Community Infrastructure Levy (CIL) charging schedule and draft spending protocol for referral to the Planning Committee for consideration and approval for public consultation

- 2.4 To receive reports, expert advice and opinion on planning policy issues and to consider and make recommendations.

SECTION E 2 – LICENSING COMMITTEE

1 Committee Form and Structure

- 1.1 The Licensing functions of the Council shall be carried out by the following bodies:
- a. A full Licensing Committee of 10-15 Councillors in **political balance**
 - b. Sub-committees to be established by the Licensing Committee on an ad hoc basis, comprising 3 Councillors drawn from the full Licensing Committee, to deal with matters under the Licensing Act 2003 and the Gambling Act 2005 and 'general' licensing matters.

Composition

- 1.2 The full Licensing Committee will comprise not less than 10 and not more than 15 Councillors in **political balance**.
- 1.3 The Chairman will be appointed by **Full Council** annually.
- 1.4 Sub-committees established by the Licensing Committee on an ad hoc basis will comprise 3 Councillors from the full Licensing Committee.

Quorum

- 1.5 The Licensing Committee quorum will be 4 Councillors. The sub-committee quorum will be 3 Councillors.

Reserves

- 1.6 Each group may appoint reserve members.

Competency

- 1.7 Before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.
- 1.8 All members of the Licensing Committee and Councillors attending as reserves must:
- a. have undertaken appropriate training in the relevant law and procedures which relate to the Committee's work; and
 - b. undertake further appropriate training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Director.

2 Matters reserved for the Licensing Committee

2.1 Functions under both the Licensing Act 2003 and the Gambling Act 2005:

- a. To determine applications for premises licences where relevant representations have been made;
- b. To determine applications for provisional statements where relevant representations have been made;
- c. To determine valid applications for review of premises licences where relevant representations have been made;
- d. To determine whether a representation is irrelevant, frivolous or vexatious;
- e. To determine whether to object when the Council is a consultee and not the relevant authority considering an application;
- f. To decide on any other matter where it is necessary or desirable for members to make that decision.

2.2 Functions under the Licensing Act 2003 alone:

- a. To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- b. To determine applications to vary designated premises supervisors following police objections;
- c. To determine applications for transfer of premises licences following police objections;
- d. To consider police objections made to interim authority notices;
- e. To determine applications for club premises certificates where relevant representations have been made;
- f. To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- g. To determine valid applications for review of club premises certificates;
- h. To decide whether to give counter notices following police objections to temporary event notices;
- i. To determine applications for grants of personal licences following police objections;

- j. To determine applications for renewals of personal licences following police objections;
- k. To determine applications for grants of personal licences with unspent convictions;
- l. To determine applications for grants of personal licences with convictions of offence during the application process;
- m. To decide on revocation of personal licences where convictions come to light after grant;
- n. To determine valid applications for review of premises licenses.

2.3 Functions under the Gambling Act 2005 alone:

- a. To determine applications for variations of premises licences where relevant representations have been made;
- b. To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- c. To determine applications for the re-instatement of premises licences where relevant representations have been made;
- d. To decide whether to give counter notices following objections to temporary use notices;
- e. To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;
- f. To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;
- g. When the licence holder requests a hearing, to determine orders removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
- h. To determine applications for the grant or variation of licensed premises gaming machine permits for 2 or more machines;
- i. To determine applications for the grant of temporary event notices where relevant representations have been made;
- j. To determine applications for the grant of street trading licenses where relevant representations have been made;

- k. To determine applications for the grant of pavement café licenses where relevant representations have been made;
- l. To determine valid applications for review of premises licenses.

3 General Provisions Relating to the Non-Statutory Licensing functions

- 3.1 The Licensing Committee and its sub-committees have all the functions which are stated not to be the responsibility of the Council's Executive in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S.I. 2853, as amended, or further amended, in any statute or subordinate legislation. The sub-committees' remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments, dog breeding establishments, hackney carriage licenses (including vehicle and drivers licenses); private hire licenses (including vehicle, drivers and operators licenses and school transport drivers' licences); licensing marriage and entertainment and shops and food premises.
- 3.2 The Licensing Committee make decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
- 3.3 Non-Statutory Licensing Functions reserved to the Licensing Committee:

To consider

- (a) whether or not to suspend, and/or
- (b) revoke, and/or
- (c) refuse to renew, and/or
- (d) amend any conditions of any existing licence/permit/consent in any case which is referred to the Licensing Committee by the relevant **Designated Officer** where the holder has been:
 - (i) convicted of an offence involving dishonesty, indecency or violence, and/or
 - (ii) convicted of an offence or has failed to comply with the statutory provisions relating to the issue of any licence/permit/consent, or
 - (iii) in breach of any conditions attached to the issue of any licence/permit/consent, and/or
 - (iv) any other reasonable cause.

- 3.4 To determine applications for grants of licence/permit/consent with unspent convictions;

- 3.5 To determine applications for grants of licence/permit/consent with convictions of offence during the application process.
- 3.6 The Licensing Committee has the power to make final decisions on behalf of the Council in relation to its functions in this part.

SECTION E 3 – AUDIT AND FINANCE COMMITTEE

1 Committee Form and Structure

Committee Scope

- 1.1 The success of the Audit and Finance Committee depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on Councillors not to make inappropriate use of information provided to the Committee for other purposes. The Committee's responsibilities shall include the monitoring of the Council's role as shareholder of Council companies and the effectiveness of the arrangements in this regard.

Composition

- 1.2 The Audit and Finance Committee will comprise 8 Councillors in **political balance**.
- 1.3 Members of the Committee must not be **Cabinet members**.
- 1.4 The Chairman will be appointed by **Full Council** annually.

Quorum

- 1.5 The Audit and Finance Committee quorum will be 3 Councillors.

Reserves

- 1.6 Each group may appoint reserve members.

Competency

- 1.7 All members of the Audit and Finance Committee and Councillors attending as reserves shall:
- 1.7.1 have undertaken appropriate training in the relevant law and procedures which relate to the Committee's work; and
 - 1.7.2 undertake further appropriate training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Director.

2 Matters reserved for the Audit and Finance Committee

Governance, Risk and Controls

- 2.1 The Committee has the right to access to all the information it considers necessary to undertake the work of the Committee and may receive reports and refer matters to Internal and External Auditors.

- 2.2 To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances, including the **Code of Corporate Governance**.
- 2.3 To review and approve the **Annual Governance Statement** and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- 2.4 To consider the Council's arrangements to secure value for money and to review and scrutinise assurances and assessments on the effectiveness of these arrangements.
- 2.5 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- 2.6 To monitor the effective development and operation of risk management in the Council.
- 2.7 To monitor progress in addressing risk related issues reported to the Committee.
- 2.8 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions, including calling managers to explain lack of progress.
- 2.9 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- 2.10 To monitor the counter-fraud strategy, actions and resources.
- 2.11 To review the governance and assurance arrangements for significant partnerships or collaborations.
- 2.12 To review and monitor the Council's compliance with public sector financial and audit standards and guidance, in accordance with the **CIPFA** Codes and Accounts and Audit Regulations.
- 2.13 To review and monitor the Council's treasury management arrangements in accordance with the **CIPFA** Treasury Management Code of Practice.

3 Internal Audit

- 3.1 To ensure that the Council has a sound system of internal control which -
 - 3.1.1 facilitates the effective exercise of its functions and the achievement of its aims and objectives;
 - 3.1.2 ensures that the financial and operational management of the Council is effective;

- 3.1.3 includes effective arrangements for the management of risk;
- 3.1.4 ensures compliance with policies, procedures and statutory requirements; and
- 3.1.5 safeguards the Council's assets and interests.
- 3.2 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 3.3 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 3.4 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- 3.5 To make appropriate enquiries of both management and internal audit to determine if there are any inappropriate scope or resource limitations.
- 3.6 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal audit. To approve and periodically review safeguards to limit such impairments.
- 3.7 To consider reports from the internal auditor on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - 3.7.1 Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
 - 3.7.2 Regular reports on the results of the Quality Assurance and Improvement Programme;
 - 3.7.3 Reports on instances where the internal audit function does not conform to the **Public Sector Internal Audit Standards** and **Local Government Application Note**, considering whether the non-conformance is significant enough that it must be included in the **Annual Governance Statement**.
- 3.8 To consider the internal auditor's annual report:
 - 3.8.1 The statement of the level of conformance with the **Public Sector Internal Audit Standards** and **Local Government Application Note** and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit
 - 3.8.2 The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the

summary of the work supporting the opinion – these will assist the Committee in reviewing the **Annual Governance Statement**

- 3.9 To consider summaries of specific internal audit reports as requested.
- 3.10 To receive reports outlining the action taken where internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- 3.11 To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 3.12 To consider a report on the effectiveness of internal audit to support the **Annual Governance Statement**, where required to do so by the Accounts and Audit Regulations.
- 3.13 To provide free and unfettered access to the Audit and Finance Committee Chairman for the internal auditor, including the opportunity for a private meeting with the Committee.

4 External Audit

- 4.1 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- 4.2 To consider the external auditor's annual audit letter, relevant reports, and the report to those charged with governance.
- 4.3 To consider specific reports as agreed with the external auditor.
- 4.4 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 4.5 To commission work from internal and external audit.
- 4.6 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

5 Financial Reporting

- 5.1 To review and approve the annual **Statement of Accounts**. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the **Full Council**.
- 5.2 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

6 Accountability Arrangements

- 6.1 To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
- 6.2 To report to **Full Council** on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.
- 6.3 To publish an annual report on the work of the Committee.

7 Related Functions

- 7.1 To approve and monitor Council policies relating to whistleblowing and anti-fraud and corruption.
- 7.2 Subject to the requirements set out below, to consider all findings of the Local Government and Social Care Ombudsman, including reports resulting in a finding of maladministration against the Council, and to make recommendations as to actions that may be necessary in connection with the Ombudsman's findings.
 - 7.2.1 There are statutory obligations which will, in some circumstances, require reports to be taken to **Cabinet** or **Full Council**.
 - 7.2.2 The Ombudsman operates protocols in relation to the timing of the publication of findings. The Council would have to give consideration to those protocols when determining how to manage the Audit and Finance Committee's agenda.
- 7.3 To undertake an annual review of the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA), ensuring compliance with the relevant Codes of Practice.
- 7.4 To review any issue referred to it by the **Chief Executive, Chief Finance Officer, Monitoring Officer** or any Council body.

SECTION E 4 – OVERVIEW & SCRUTINY COMMITTEE

1 Committee Form and Structure

Committee Scope

- 1.1 The Council fully supports the role of its Overview and Scrutiny Committee in holding the **Cabinet** and others to account in discharging their functions and in policy formulation. The Council believes that the important parts of the role are:
- (i) to assist the **Full Council** and **Cabinet** in reviewing its major plans, policies and strategies, which will set the climate in which the Cabinet and other decision-making bodies are required to operate;
 - (ii) to assist with policy formulation;
 - (iii) to undertake specific reviews of the Council's organisation and service provision so that improvements can be made to service delivery.

Composition

- 1.2 The Overview and Scrutiny Committee will comprise 14 Councillors in **political balance**.
- 1.3 Members of the Committee must not be Cabinet members.
- 1.4 The Chairman and Vice Chairman will be appointed by **Full Council** annually.
- 1.5 Either the Chairman or the Vice Chairman must be a member of a minority party, or an independent. Although nothing will preclude the Council from selecting a Chairman who is a member of a minority party, or an independent, as the Chairman at any time, in the event that a minority party holds one third of the seats on the Council, then the Chairman must be selected from the membership of that party. In the event that the Chairman is from the majority party then the Vice Chairman must be selected from a minority party or be an independent.

Quorum

- 1.6 The Overview and Scrutiny Committee **quorum** will be 5 Councillors.

2 Matters reserved the for Overview and Scrutiny Committee

The Overview and Scrutiny Committee:

- 2.1 will discharge the Council's functions under section 9F Local Government Act 2000;
- 2.2 will be responsible for the Council's scrutiny function including the preparation, implementation, monitoring and review of an annual work programme for overview and scrutiny in accordance with the objectives of the Council Plan and arrangements for the scrutiny of other public bodies particularly where required to do so by law. At

the first meeting each year of the Overview and Scrutiny Committee, it will consider and agree the work programme.

- 2.3 may establish such sub-committees or task and finish groups, appointing the Chairman in accordance with the Council's criteria and with such membership as it sees fit, to undertake scrutiny on a task and finish basis. At the first meeting each year of the Overview and Scrutiny Committee, it will establish sub-committees or task groups and confirm the terms of reference specifically to consider the following areas (based on relevant existing portfolios of Portfolio Holders at the beginning of the municipal year) as an element of the Committee's annual work programme, and to report back to the Overview and Scrutiny Committee on any recommendations:

2.3.1 Business and Commercial Services, including any relevant strategic partnerships

2.3.2 Operations and Place Shaping, including regeneration issues.

- 2.4 will, as part of the overall role, ensure the Chief Executive and Corporate Leadership Team discharge their responsibilities effectively and efficiently in relation to the overview and scrutiny function
- 2.5 will scrutinise decisions of or actions taken by the **Cabinet**, and offer advice or make recommendations on the matter under scrutiny once the Committee has considered the issues
- 2.6 may scrutinise matters coming before **Cabinet** for decision and respond appropriately to the Cabinet on the matter once the Committee has considered the issues fully
- 2.7 will review or scrutinise decisions or actions taken in respect of any functions which are not the responsibility of the **Cabinet** and make reports or recommendations to the **Full Council**, or appropriate body of the Council
- 2.8 may refer to the Council or appropriate committee/sub-committee any matter which, following scrutiny, the Committee determines should be brought to the attention of the **Full Council** or the committee or sub-committee and may, if requested, offer any views or advice to the **Cabinet** in relation to any matter referred to the committee for consideration
- 2.9 may undertake reviews with a cross-service approach wherever possible and make reports and recommendations to the **Full Council** (or other appropriate Council body) or the **Cabinet** to assist in the review of policies and strategies
- 2.10 may offer advice and make recommendations to the appropriate body of the Council on the review of policy, services and aspects of services where there is an identifiable need, by itself or through setting up a Task Group
- 2.11 in performing its role, the Committee may consult and involve the local community and other local public, private and voluntary bodies or organisations

- 2.12 may review the Council's response to its obligations in respect of the overall performance management regime and, where appropriate, to advise the **Cabinet** or appropriate body of the Council of its findings
- 2.13 may advise the **Cabinet** and **Full Council**, as appropriate, of the Committee's response to the formulation of the Council's Budget and performance management reports
- 2.14 may recommend that a decision made but not yet implemented, and taken in respect of a function which is the responsibility of the **Cabinet** be reconsidered by the Cabinet
- 2.15 may scrutinise decisions after implementation to examine their effect and outcomes
- 2.16 may make reports or recommendations to the appropriate body of the Council in respect of any matters which affect the Council's area or its inhabitants
- 2.17 may review and make recommendations in relation to matters which are not the direct responsibility of the Council but which affect the social, economic or environmental well-being of an area or the Council's area as a whole or under any statutory requirement or Council contract, procedure or practice
- 2.18 may give partner authorities notice in writing requiring them to have regard to the report or recommendations of the Committee in exercising their functions
- 2.19 may invite expert witnesses, Councillors, officers and partners to answer questions
- 2.20 will ensure, in conjunction with the **Standards Committee**, that the Council has in place appropriate mechanisms to protect organisational integrity, including the development of appropriate policies and guidance
- 2.21 will consider and advise the **Cabinet** in respect of "call-in" notices under the Council's relevant procedures.
- 2.22 will work with or appoint representatives to work with other local authorities and organisations to carry out joint scrutiny.
- 2.23 will create Task Groups and set their Terms of Reference, to fulfil the Overview and Scrutiny requirements of the Council and the Annual Overview and Scrutiny Work Programme.
- 2.24 will approve an Annual Overview and Scrutiny Work Programme, to be kept under review and updated as required.
- 2.25 will produce an Annual Report to **Full Council** for the scrutiny process.
- 2.26 will report to **Full Council** as required on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

- 2.27 will discharge the Council's functions in relation to the reduction of crime and disorder scrutiny pursuant to the Crime and Disorder Act 1998.

SECTION E 5 – STANDARDS COMMITTEE

1 Committee Form and Structure

Composition

- 1.1 The **Standards Committee** will comprise 8 Councillors in **political balance**.
- 1.2 The Chairman will be appointed by **Full Council** annually.
- 1.3 The Vice-Chairman will be appointed by the **Standards Committee** and will be from a different political group from the Chairman.

Quorum

- 1.4 The **Standards Committee quorum** will be 3 Councillors.

Reserves

- 1.5 Each group may appoint reserve members.

Competency

- 1.6 All members of the **Standards Committee** and Councillors attending as reserve members shall:
 - 1.6.1 have undertaken appropriate training in the relevant law and procedures which relate to the Committee's work; and
 - 1.6.2 undertake further appropriate training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Director.

2 Matters reserved for the Standards Committee

- 2.1 To assist the Council in fulfilling its duty under the Localism Act 2011 to promote and maintain high standards of conduct by Councillors and co-opted Councillors of town and parish councils.
- 2.2 To advise the Council on the adoption or revision of its **Code of Conduct for Councillors**.
- 2.3 To monitor and advise the Council about the operation of its **Code of Conduct for Councillors** the light of best practice and any changes in the law.
- 2.4 To approve the arrangements for dealing with allegations that a Councillor or a town/parish Councillor within the district has failed to comply with the relevant Councillors' Code of Conduct.

- 2.5 To determine whether a Councillor or town/parish Councillor has failed to comply with the relevant Code of Conduct.
- 2.6 Where the Committee finds that a failure to comply with the Code of Conduct has occurred, to determine what action, if any, to take and to apply the sanction or recommend to Council to apply an appropriate sanction.
- 2.7 To assist the Council with the appointment of Independent Persons as required by the Localism Act 2011 and independent persons under other secondary legislation.
- 2.8 To determine any request for a dispensation under Section 33 of the Localism Act 2011, where not determined by the **Monitoring Officer** or to appeal against a determination by the Monitoring Officer.
- 2.9 To advise the Council on, and review as necessary, the arrangements for dealing with complaints or any local protocols regulating the conduct of Councillors and to deal with allegations of breach of any such protocol.
- 2.10 To respond on behalf of the Council to national reviews and consultations on standards related issues.
- 2.11 To consider and make recommendations to **Full Council** on any other matter that may be referred to the **Standards Committee** relating to the conduct and training of Councillors.
- 2.12 To consider amendments to the Constitution and recommend proposals to Full Council for approval, except where specifically delegated to the Monitoring Officer.

SECTION E 6 –HUMAN RESOURCES COMMITTEE

1 Committee Form and Structure

Committee Scope

- 1.1 The purpose of the Human Resources Committee is to take a corporate strategic view of the Councils' Human Resource policies to ensure they contribute effectively to the overall delivery of the corporate strategy. The **Committee** will appoint **Chief Officers** to the Councils and recommend appointment of the Head of Paid Service to the relevant Authority for **Full Council** to determine.

Composition

- 1.2 The Human Resources Committee will comprise six Councillors in **political balance**. One member of Cabinet must be appointed to the Human Resources Committee.
- 1.3 The Chairman will be appointed by Full Council annually.

Quorum

- 1.4 The Human Resources Committee **quorum** will be three Councillors.

Reserves

- 1.5 The Councils may appoint reserve members.

Competency

- 1.6 All members of the Human Resources Committee and Councillors attending as reserves must:
- 1.6.1 have undertaken mandatory training in the relevant law and procedures which relate to the Committee's work; and
 - 1.6.2 undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Director.

2 Matters reserved for the Human Resources Committee

- 2.1 With regard to appointments and dismissals of the Councils' **Statutory Officers**:
- 2.1.1 To make recommendations to the employing Council on the appointment and dismissal of the **Head of the Paid Service**; and the dismissal of the **Chief Finance Officer** and **Monitoring Officer**.
 - 2.1.2 To consider matters relating to the misconduct and capability of the **Head of the Paid Service**.

- 2.1.3 To appoint, when required, an **Investigation and Disciplinary Committee** referred to in the JNC Conditions of Service for Chief Executives and chief officers; with power to:
- (i) appoint an independent investigator and independent advisors, if required;
 - (b) determine whether or not the **Head of the Paid Service, Chief Finance Officer** and **Monitoring Officer** (the Statutory Officers) should be suspended pending investigation into allegations of misconduct or incapability; and
 - (c) make a recommendation to **Full Council** to dismiss a Statutory Officer
Where the **Investigation and Disciplinary Committee** makes a recommendation to **Full Council** to dismiss a Statutory Officer the **Independent Persons Panel** must meet and consider the matter and prepare a report for Full Council before any decision to dismiss is considered by Full Council
 - (d) Appoint a Panel of three Councillors from the Committee, including at least one **Cabinet member**, assisted by one independent adviser, to act as an Appraisal Panel (as required by the JNC Conditions of Service for Chief Executives and Chief Officers) for the **Chief Executive**.
- 2.2 With regard to appointments and dismissals of **chief officers**:
- 2.2.1 To exercise functions for the appointment and dismissal of **chief officers** to/from the Council to include the appointment of a sub-committee for the purposes of appointments of chief officers (other than on an acting basis)
- 2.3 With regard to pensions matters, appeals and dismissals:
- 2.3.1 Agree payments in relation to termination of employment when required and any severance package exceeding £100,000;
 - 2.3.2 To appoint Panels of three Councillors as appropriate to hear appeals against **chief officers** for dismissal or stage two of the Grievance Procedure whilst noting the role of the **Investigation and Disciplinary Committee** for the discipline of Statutory Officers; and
 - 2.3.3 To appoint one Councillor to represent the Committee on any appeals against dismissal from Council's employment and appeals at stage two of the Grievance Procedure for officers below **chief officer** level.
- 2.4 To adopt new policy aims in respect of the following staffing matters:
- 2.4.1 Recruitment and resourcing;
 - 2.4.2 Pay, pensions and other terms and conditions of employment;

- 2.4.3 Employee relations;
 - 2.4.4 Learning;
 - 2.4.5 Health and absence management;
 - 2.4.6 Health and safety (in relation to Council staff and Council activities);
 - 2.4.7 Dignity at work/equal opportunities; and
 - 2.4.8 Conduct of employees.
- 2.5 Other staffing matters:
- 2.5.1 Consider and respond to consultation requests in respect of national pay negotiations and determine pay awards; recruitment and resourcing.