

## SECTION 5 - BODIES EXERCISING COUNCIL FUNCTIONS

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### 1. FULL COUNCIL

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**Membership:** All members of the Council

**Quorum:** One quarter of the total number of members

**Functions:**

Only the full Council will exercise the following functions:

- 1.1 subject to Article 14, Paragraph 15.02, adopting and changing the Constitution;
- 1.2 approving or adopting the policy framework, the budget and any application to the Secretary of State for a Housing Land Transfer;
- 1.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- 1.4 appointing the Leader for a one year term;
- 1.5 agreeing and/or amending the terms of reference of any boards, committees or other bodies appointed by the full Council deciding on their composition and making appointments to them;
- 1.6 appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- 1.7 adopting an allowances scheme or assessing, revoking or replacing any such scheme;
- 1.8 changing the name of the area and conferring the title of Honorary Alderman;
- 1.9 confirming the appointment or dismissal of the Head Of Paid Service;
- 1.10 making arrangements for the proper administration of financial affairs;
- 1.11 designating an officer as the Monitoring Officer;
- 1.12 appointing an Electoral Registration Officer;

- 1.13 appointing a Returning or Acting Returning Officer for Parliamentary, local, European and Police and Crime Commissioners elections and referenda;
- 1.14 making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- 1.15 determining senior management structures of the organisation;
- 1.16 agreeing procedure rules, standing orders and financial regulations;
- 1.17 proposals relating to district boundaries, electoral wards and the number of district councillors;
- 1.18 agreeing an Annual Schedule of meetings;
- 1.19 adopting and amending the Authority's Code of Conduct for members and other codes and protocols comprising the ethical framework;
- 1.20 arranging for the discharge of any other functions of the Authority which are not executive functions;
- 1.21 power to resolve not to issue casino licences;
- 1.22 subject to any matters delegated to boards, committees or other bodies or officers, determining all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- 1.23 accepting the delegation of a power or function from another local authority;
- 1.24 all matters which, by law, must be reserved to Council.

**In the absence of any express statutory prohibition, every Board or Committee appointed by the Council may appoint Sub-committees for purposes and duration to be specified by the Board or Committee. They may also make specific delegations to officers.**

## 2. SCRUTINY

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### 2.1 POLICY DEVELOPMENT GROUP

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**Membership:** Ten councillors

**Quorum:** Three members

**Terms of Reference:**

- 2.1.1 The Policy Development Group will undertake or request reviews of policy.
- 2.1.2 The Policy Development Group is not able to take decisions but makes recommendations to either the Cabinet or the full Council.
- 2.1.3 The Policy Development Group shall comprise 10 Members of the Council and shall be subject to political proportionality.
- 2.1.4 Any Member who is not a Cabinet Member may serve on the Policy Development Group.
- 2.1.5 There are two elements to the work of the Policy Development Group:
  - The Policy Development Group is able to "call-in" executive decisions taken but not implemented by the Cabinet or portfolio holders, in line with the call-in procedure set out in the Scrutiny Procedure Rules.
  - The Policy Development Group is able to undertake detailed reviews of issues either within or outside the council.

### 2.2 GENERAL ROLE OF THE POLICY DEVELOPMENT GROUP

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- 2.2.1 Effective overview and scrutiny is essential to enhance the accountability and transparency of the decision making process. The Policy Development Group has a key function in holding the Cabinet to account. The Audit and Governance Committee monitors service standards and seeks to ensure best value is achieved across the Council.
- 2.2.2 Within its terms of reference, the Policy Development Group will discharge the overview and scrutiny functions conferred by Section 9F of the Local Government Act 2000 as amended by the Localism Act 2011 and will:
  - review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions other than development control and other quasi-judicial matters;
  - make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
  - consider any matter affecting the district or its inhabitants;

- exercise the right to call-in, for reconsideration, executive decisions made but not yet implemented by the Cabinet or portfolio holders;
- take an overview of policy development in line with the priorities of the Council; and
- exercise powers for the Community Call for Action.
- In accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, to act as the crime and disorder committee of the Council.

### **3. AUDIT AND GOVERNANCE COMMITTEE**

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**Membership:** Ten councillors

**Quorum:** Three District councillors

**Terms of Reference:**

To act as the Authority's Audit Committee, to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment, and to be responsible for the financial reporting process. In particular:

- Consider the effectiveness of the Authority's risk management arrangements, the control environment, and anti fraud and corruption arrangements
- Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors
- Be satisfied that the Authority's assurance statements properly reflect the risk environment and any actions required to improve it
- Approve (but not direct) Internal Audit's strategy and plans and monitor performance
- Review summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary
- Receive the annual report of Internal Audit
- Consider plans of External Audit and inspection agencies
- Monitoring of relevant reports and action plans
- Ensure there are effective relationships between Internal and External Audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted
- Approve the Council's statement of accounts, income and expenditure and balance sheet and receive the External Auditor's opinion and reports to members, and monitor management action in response to the issues raised by External Audit
- To deal with the Annual Audit and Inspection letter and in particular to:
  - consider matters raised in the annual governance report

# NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

- agree, if necessary, to adjust the financial statements
- approve the representation letter on behalf of the Council
- consider and agree, if considered appropriate, any actions proposed in the annual governance report and statement
- To have delegated authority to deal with all matters relating to the Council's final accounts

Functions	Matters Reserved for a Decision
<p>The Council has determined under the powers conferred on it by Section 28(6) of the Localism Act 2011 to appoint an Audit and Governance Committee and it has the following roles and functions:</p>	<p>To determine any issues referred to the Committee (except for any matter reserved to Council).</p>
<p>Promoting and maintaining high standards of conduct by councillors and co-optees.</p> <p>Assisting the councillors and co-optees to observe the Members' Code of Conduct.</p> <p>Advising the Council on the adoption or revision of the Members' Code of Conduct.</p> <p>Monitoring the operation of the Members' Code of Conduct.</p> <p>Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct.</p> <p>Granting dispensations to councillors who require such dispensations for more than one meeting or on more than one occasion from requirements relating to interests set out in the Members Code of Conduct as appropriate.</p> <p>Dealing with any report from the Monitoring Officer on any matter concerning Governance.</p>	

Functions	Matters Reserved for a Decision
<p>To establish Sub-Committees for the Assessment or Determination of matters concerning allegations of Members Conduct.</p> <p>And in addition the Audit and Governance Committee also oversees the ethical framework of the Council including oversight of:</p> <ul style="list-style-type: none"> <li>the Whistle Blowing Policy</li> <li>complaints handling</li> <li>Ombudsman investigations.</li> </ul>	
<p>To exercise the above functions for the parish councils wholly or mainly in its area and the members of those parish councils.</p>	

## 3.1 LOCAL ASSESSMENT OF MEMBER COMPLAINTS

### 3.1.1 Sub-committees of the Audit and Governance Committee

All Audit and Governance Committee members will form a pool from which members will be drawn based on their availability and the requirements of the particular Sub-committee as and when required.

#### (a) **Assessment Sub-committee**

Assessment of complaints in accordance with the Council's Guidance and to either:

- Accept the Monitoring Officer's recommendation of no failure to comply with the Code of Conduct
- Refer the matter for full investigation
- Refer the matter for other action

#### (b) **Review Sub-committee**

Consideration of requests for a review in accordance with the Council's Guidance.

## (c) **Determinations Sub-committee**

To receive reports from the Monitoring Officer or her appointed Investigating Officer and to decide either:

- to determine finding of no failure to comply with the Code of Conduct
- to determine finding of failure to comply with the Code of Conduct and impose relevant sanctions
- Refer the matter for other action

in accordance with the Council Guidance.

### **3.1.2 Membership, Quorum and Other Matters**

- (i) Each Sub-committee must be chaired by a District Council member.
- (ii) The quorum is three District Council members.
- (iii) The Sub-committee may co-opt at least one Parish Council member when decisions are taken concerning a Parish matter.
- (iv) The Sub-committee may co-opt at least one independent person as appropriate.
- (v) No member who considered a complaint at the Initial Assessment/Determination Sub-committee may consider the same complaint at the Review Sub-committee.

## **4. PLANNING COMMITTEE**

**Membership:** Seventeen councillors

**Quorum:** Five councillors

<b>Functions</b>	<b>Matters Reserved for a Decision</b>
The determination of all non-executive decisions under the Planning Acts including all planning applications and applications for advertisement consent, listed building consent and conservation area consent is delegated to the Director of Services except where:	<p>(a) The application is contrary to the provisions of an approved or draft development plan policy and is recommended for permission, and in the opinion of the Director of Services the application is likely to:</p> <p>(i) be potentially controversial,</p>

Functions	Matters Reserved for a Decision
	<p style="text-align: center;">or</p> <ul style="list-style-type: none"> <li>(ii) be of significant public interest, or</li> <li>(iii) have a significant impact on the environment, or</li> <li>(iv) raise matters which should be referred to the Planning Committee.</li> </ul>
	<ul style="list-style-type: none"> <li>(b) The application is submitted by or on behalf of the Council for its own development, except for the approval of development which is unlikely to have any major impacts and to which no objections have been received.</li> </ul>
	<ul style="list-style-type: none"> <li>(c) A legal agreement (S106 or similar) is required except in the case of minor non-contentious agreements or minor amendments to existing legal agreements.</li> </ul>
	<ul style="list-style-type: none"> <li>(d) A member has notified the Director of Services in writing or by e-mail within 3 weeks of the publication of the weekly list that the application should be determined by the Planning Committee, and                             <ul style="list-style-type: none"> <li>(i) the notification is supported by one or more planning grounds, or</li> <li>(ii) where the item relates to a matter of local concern.</li> </ul> </li> </ul> <p style="text-align: right;">Provided that this “call-in” shall not be exercised by any</p>



# NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

Functions	Matters Reserved for a Decision
	<p style="text-align: center;">member with a Disclosable Pecuniary interest.</p>
	<p>(e) The details of an intended delegated decision on any application where material planning representations have been received in conflict with that recommendation have been circulated to the ward councillors concerned and to the Chairman of the Planning Committee, and</p> <p>(i) the ward councillor(s) has advised the Director of Services that he/she wishes the matter to be referred to the Planning Committee stating the reason for the request, and has confirmed that request and the reasons for it in writing within 5 working days of the list being sent out, and</p> <p>(ii) the Director of Services, in consultation with the Chairman of the Planning Committee decides that the application should be referred to the Planning Committee.</p>
	<p>(f) The application is submitted by:</p> <ul style="list-style-type: none"> <li>• a serving member or officer of the Council;</li> </ul> <p>Reasonable steps will also be taken to ensure Planning Committee considers applications submitted by:</p> <ul style="list-style-type: none"> <li>• a person who has served as a member or officer of the Council in the five year period before the application was submitted, or their</li> </ul> <p style="text-align: right;">respective co-habiting</p>

# NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

Functions	Matters Reserved for a Decision
	partners.
	(g) The Director of Services refers any matter (under paragraph 2(iii) of the Scheme of Delegations set out in Section 7 below) including any consultation on an executive function, subject to the response being agreed with the relevant portfolio holder or agreed by Cabinet.
Making orders to revoke or modify planning permissions, to impose conditions to remove buildings or repair listed buildings.	All matters reserved.
Making tree preservation orders.	To consider objections or other representations.
Serving Building Preservation Notices or Listed Building Repair Notices.	All matters reserved except where necessary to serve a notice in an emergency.
Public Footpath Orders under the Town and Country Act 1990.	To determine matters referred to it following the receipt of objections or other representations.
Footpath Diversion Orders under the Highways Act 1980.	To determine matters referred to it following the receipt of objections or other representations.

## 5. LICENSING COMMITTEE

**Membership:** Seventeen councillors

**Quorum:** Five councillors

Functions	Matters Reserved for a Decision
To consider all outstanding licensing matters.  To recommend to Council to resolve not to issue a casino licence.	To determine all licensing matters referred to with the exception of:  (i) The Statements of Licensing Policy under both the Licensing Act 2003 and the Gambling Act 2005;  (ii) the power to resolve not to issue a casino licence which shall be reserved to Council.

### 5.1 LICENSING SUB-COMMITTEE

**Membership:** Three councillors

**Quorum:** Three councillors

Functions	Matters Reserved for a Decision
To consider matters concerning the discharge by the Council of its licensing functions under the Licensing Act 2003.	Application for a personal licence where there are relevant unspent convictions;
	The review of a premises licence or club premises certificate;
	Decision to object when the local authority is the consultee and not the relevant authority considering the application;
	Determination of a relevant objection to a temporary event notice.
	Where a relevant representation has been made, except where the relevant representation is made upon a minor

# NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

Functions	Matters Reserved for a Decision
	<p>variation application;</p> <p>Application for a personal licence;</p> <p>Application for a premises licence or club premises certificate;</p> <p>Application for a provisional statement;</p> <p>Application for variation to a premises licence or club premises certificate;</p> <p>Application to vary a designated premises supervisor;</p> <p>Application for transfer of a premises licence;</p> <p>Application for interim authority.</p>
<p>To consider matters concerning the discharge by the Council of its licensing functions under the Gambling Act 2005.</p>	<p>Application for a premises licence where representations have been received and not withdrawn.</p> <p>Application for variation to licence where representations have been received and not withdrawn.</p> <p>Application for a transfer of a licence where representations have been received from the Gambling Commission.</p> <p>Application for a provisional statement where representations have been received and not withdrawn.</p> <p>Review of a premises licence.</p> <p>Application for club gaming/club machine permits where objections have been received and not withdrawn.</p>

Functions	Matters Reserved for a Decision
	Cancellation of club gaming/club machine permits.

## 5.2 TAXI AND PRIVATE HIRE SUB-COMMITTEE

**Membership:** Any three councillors drawn from the Licensing Committee.

**Quorum:** Three councillors

Functions	Matters Reserved for a Decision
To consider all outstanding hackney carriage and private hire licensing issues which are referred to it.	To determine any matters referred to it.

## 6. INVESTIGATORY COMMITTEE

**Membership:** Three councillors

**Quorum:** Three councillors

Functions	Matters Reserved for a Decision
To determine disciplinary cases involving chief officers.	To determine any matters referred to it.

## 7. EMPLOYEE JOINT CONSULTATIVE COMMITTEE

### 7.1 CONSTITUTION AND FUNCTIONS

(a) **Title**

The committee shall be called the “North West Leicestershire District Council and Employee Joint Consultative Group”, hereinafter referred to as the “Employee Joint Consultative Committee”.

(b) **Representation**

Employers’ side:

The employers’ side shall comprise 6 members of the North West Leicestershire District Council, to be appointed annually by that Council.

Employees’ side:

The employees' side shall comprise 6 members from the recognised trades unions within the Council in the following proportions:

General and Municipal Union (GMB)	1 representative
Transport and General Workers Union (T&G)	1 representative
Union of Construction, Allied Trades and Technicians (UCATT)	1 representative
UNISON	3 representatives

Ex officio:

The Chief Executive

Director of Services

Director of Housing

Human Resources Team Manager

If a member of the Employee Joint Consultative Group ceases to be a member or officer of the Local Authority, he or she shall thereupon cease to be a member of the Employee Joint Consultative Committee and any vacancy shall be filled by the local authority. Substitute members are permitted, each member of the Committee to be responsible for arranging his/her own substitute.

**(c) Chairman**

A chairman and a deputy chairman shall be appointed by the Employee Joint Consultative Committee at its first meeting following the Statutory Annual Meeting of the Council in each year. If the chairman appointed is a member of the Local Authority, the deputy chairman shall be appointed from the staff side, and vice versa. The chairman of the meeting shall not have a second or casting vote.

**(d) Officers**

The Head of Legal and Support Services will be responsible for convening meetings and shall be represented thereat by a Local Member Support Officer for the sole purpose of recording the minutes of the meeting. The Directors, or his/her representatives, shall be allowed to attend meetings of the Committee in an advisory capacity.

**(e) Trade Union Officials/Organisers/Observers**

Trade Union Officials or organisers will be allowed to attend the meetings and may speak to the meeting. Trade Union Representatives (other than the designated members of the JCC) will be permitted to attend as observers,

subject to the provision of two working days notice to the Human Resources Team Manager.

**(f) Functions**

The functions of the Employee Joint Consultative Committee shall be:

- (i) To provide a means of resolution of those matters previously discussed at meetings of the Employee Consultation Group where there has been a failure to reach agreement, always provided that no question of individual discipline, promotion, or efficiency shall be within the scope of the Employee Joint Consultative Committee.
- (ii) To consider any relevant matter referred to it by a Board of the Council or by any of the recognised trades unions.
- (iii) To discharge any other functions specifically assigned to the Employee Joint Consultative Committee.
- (iv) The Employee Joint Consultative Committee may refer any question coming before it for the consideration and advice of the East Midlands Regional Joint Council for Local Government Services.

## **7.2 RULES AND REGULATIONS**

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- (a) The Employee Joint Consultative Committee shall meet as and when required but not less than half-yearly. The Chairman or Deputy Chairman may request the Head of Legal and Support Services to call a meeting at any time. A meeting shall also be called within 7 days of the receipt of a requisition signed by not less than one third of the members of either side. The matters to be discussed at any meeting of the Committee shall be stated upon the notice summoning the meeting, provided that any other business may be considered if admitted by a majority vote of those present at such meeting.
- (b) The quorum of the Committee shall be 3 representatives of each side.
- (c) No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Committee.
- (d) The proceedings of any meeting of the Committee shall be reported to the Cabinet of the Council.
- (e) The Council's standing orders relating to Board and Committee meetings of the Council, with such modifications as are necessary in accordance with this Constitution, rules and regulations, shall apply to the Employee Joint Consultative Committee.

## 8. INDEPENDENT REMUNERATION PANEL

**Membership:** Five members

**Quorum:** Three members

Functions	Matters Reserved for a Decision
To make recommendations to the Authority as to the amount of basic allowance that should be payable to its elected members.	
To make recommendations to the Authority about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance.	
To make recommendations to the Authority about the duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance.	
To make recommendations as to the amount of co-optees' allowance.	
To make recommendations as to whether the Authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependents and if it does make such a recommendation, the amount of this allowance and the means by which it is determined.	
To make recommendations on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended.	



Functions	Matters Reserved for a Decision
To make recommendations as to whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run.	
To make recommendations as to which members of an authority are to be entitled to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972.	
As to treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.	

## 9. APPOINTMENTS COMMITTEE

**Membership:** Four councillors (Must include one member of Cabinet)  
Appropriate Portfolio Holder

**Quorum:** Three councillors

Functions	Matters Reserved for a Decision
To interview shortlisted candidates for Head of Paid Service, Chief Officer and Deputy Chief Officer posts.	To determine any matters referred to it.
Recommend to Full Council the appointment of the Head of Paid Service.	
Recommend to the Chief Executive (as Head of Paid Service) all permanent appointments to Chief Officer and Deputy Chief Officer posts.	
Undertake an annual appraisal of the performance of the Chief Executive.	

## **10. LOCAL PLAN ADVISORY COMMITTEE**

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**Membership:** Seven councillors

**Quorum:** Three councillors

The Local Plan Advisory Committee shall provide advice to Council in relation to the preparation of and revision of the Local Plan for North West Leicestershire. The Advisory Committee will provide a forum for cross-party discussion amongst members in relation to the development, form and content of the Local Plan. The Advisory Committee shall report its views and/or recommendations to Council as part of Council's setting of the Local Plan.