

APPENDIX A

SECTION D – 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 D1 - Licensing Committee

Section D2 - Staffing Committee

Section D3 - Planning Committee

Section D4 - Local Plan Committee

Section D5 - Scrutiny Committees

Section D6 - Audit and Governance Committee

Section D7 - Employee Joint Consultative Committee

Section D8 - Independent Remuneration Panel

The **Terms of Reference** of these Committees and their **Delegated Powers** are set out in the following pages.

SECTION D1 - LICENSING COMMITTEE

1 COMMITTEE FORM AND STRUCTURE

Composition

- 1.1 The full **Licensing Committee** will comprise 15 Councillors in **Political Balance**.
- 1.2 The **Chair** will be appointed by **Full Council** annually.
- 1.3 Where **Sub-Committees** are established by the **Licensing Committee** on an ad hoc basis to deal with matters under the Licensing Act 2003 and the Gambling Act 2005 and 'general' licensing matters they will comprise three Councillors from the full Licensing Committee.

Quorum

- 1.4 The **Licensing Committee Quorum** will be nine **Councillors**. The **Sub-Committee** Quorum will be three Councillors.

Convening Meetings

- 1.5 The Chief Executive is responsible for convening all Committee meetings in accordance with the programme set by Full Council, and any meetings which have been convened at Chair's discretion in addition to those in the programme.

Substitutes

- 1.6 Each group may appoint substitutes under the **Councillors' Substitute Scheme Procedure Rules** in **Part 3**.

2 MATTERS RESERVED FOR THE LICENSING COMMITTEE

- 2.1 Functions under both the Licensing Act 2003 and the Gambling Act 2005:
 - 2.1.1 To consider all outstanding licensing matters;
 - 2.1.2 To recommend to Council to resolve not to issue a casino licence;
 - 2.1.3 To determine all licensing matters referred to it with the exception of:
 - (a) The Statements of Licensing Policy under both the Licensing Act 2003 and the Gambling Act 2005;
 - (b) the power to resolve not to issue a casino licencewhich shall be reserved to Council.
- 2.2 To decide on any other matter where it is necessary or desirable for Councillors to make that decision.

2.3 Where **Sub-Committees** are convened they will have the following functions under the Licensing Act 2003:

2.3.1 To determine applications to vary designated premises supervisors following police objections;

2.3.2 To determine applications for transfer of premises licences following police and/or **Secretary of State** objections;

2.3.3 To consider police and/or **Secretary of State** objections made to interim authority notices;

2.3.4 To determine applications for premises licences and club premises certificates where relevant **Representations** have been made;

2.3.5 To determine applications for provision statements where relevant **Representations** have been made;

2.3.6 To determine applications to vary premises licences and club premises certificates where relevant **Representations** have been made;

2.3.7 To determine valid applications for review of premises licences and club premises certificates;

2.3.8 To decide whether to give counter notices following objections from police and/or environmental health to standard temporary event notices;

2.3.9 To determine applications for grants of personal licences following police objections;

2.3.10 To determine applications for renewals of personal licences following police objections;

2.3.11 To decide on revocation of personal licences where convictions come to light after grant;

2.3.12 To decide whether to object when the **Local Authority** is the consultee and not the relevant authority considering the application.

2.4 Where **Sub-Committees** are convened they will have the following functions under the Gambling Act 2005:

2.4.1 To determine applications for premises licences where relevant **Representations** have been made and not withdrawn.

2.4.2 To determine applications for provisional statements where relevant **Representations** have been made and not withdrawn;

2.4.3 To determine valid applications for review of premises licences;

- 2.4.4 To determine applications for variations of premises licences where relevant **Representations** have been made and not withdrawn;
 - 2.4.5 To determine applications for transfers of premises licences following **Representations** by the Gambling Commission or others;
 - 2.4.6 To determine applications for the re-instatement of premises licences where relevant **Representations** have been made;
 - 2.4.7 To decide whether to give counter notices following objections to temporary use notices;
 - 2.4.8 To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received and not withdrawn;
 - 2.4.9 To determine proposals to cancel club gaming permits and club machine permits where the holder requests a hearing;
 - 2.4.10 To determine applications for the grant of temporary use notices where objections have been made.
- 2.5 Where a **Hackney Carriage and Private Hire Sub-Committee** is convened it will have the following function:
- 2.5.1 To consider all outstanding hackney carriage and private hire licensing issues which are referred to it.

SECTION D2 - STAFFING COMMITTEE

1 COMMITTEE FORM AND STRUCTURE

Composition

- 1.1 The **Staffing Committee** will comprise nine Councillors in **Political Balance**, one of whom must be a **Cabinet Member**.
- 1.2 **Councillors** and the **Chair** will be appointed by Full Council annually.
- 1.3 When advising the **Council** in relation to the proposed dismissal of a **Statutory Officer**, an Investigatory and Disciplinary Sub-Committee will co-opt two (voting) **Independent Persons** in accordance with the **Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)** to provide independent views. **Full Council** appoints a pool of Independent Persons which can be drawn on for this purpose.

Quorum

- 1.4 The **Staffing Committee Quorum** will be 3 **Councillors**.

Convening Meetings

- 1.5 The **Staffing Committee** is not intended to meet as a whole but to be a pool of members available to convene one of the following **Sub-Committees** as required:
- Appointments Sub-Committee
 - Investigatory and Disciplinary Sub-Committee
 - Appeals Sub-Committee

2 SUB-COMMITTEES OF THE STAFFING COMMITTEE

- 2.1 **Sub-Committees** of the **Staffing Committee** are formed on an ad hoc basis to deal with appointments, disciplinary and appeals matters.
- 2.2 All **Staffing Committee** members will form a pool from which **Councillors** will be drawn based on their availability and the requirements of the particular **Sub-Committee** as and when required.
- 2.3 The **Quorum** of a **Sub-Committee** is three **Councillors** and in the case of an Appointments Sub-Committee must also include the relevant Portfolio Holder.
- 2.4 A **Councillor** that has made a decision as part of an Investigatory and Disciplinary Sub-Committee shall not be permitted to sit on an Appeals Sub-Committee dealing with the same subject matter.

- 2.5 The **Chair** of a **Sub-Committee** will be elected when the Sub-Committee is convened.
- 2.6 Where an Appointments Sub-Committee is convened it will have the following functions with regard to the appointment of **Statutory Officers**:
- To interview shortlisted candidates;
 - In the case of the Head of Paid Service, make recommendations to Full Council on the appointment;
 - In the case of the other **Statutory Officers**, to make decisions on such permanent appointments.
 - Undertake an annual appraisal of the performance of the Head of Paid Service.
- 2.7 Where an Investigatory and Disciplinary Sub-Committee is convened it will have the following functions with regard to disciplinary action and/or dismissal of the **Statutory Officers**:
- To appoint an independent investigator and independent advisors, if required.
 - To determine whether or not a **Statutory Officer** should be suspended pending investigation into allegations of misconduct or incapability.
 - To make a recommendation to **Council** to dismiss a **Statutory Officer**.
 - To approve any proposed severance payment to the Head of Paid Service that is no more than £100,000.
- 2.8 Where an Appeals Sub-Committee is convened it will have the following functions with regard to appeals in relation to **Statutory Officers**:
- To hear appeals in relation to any disciplinary and/or dismissal matter in accordance with the procedure in the **Officer Employment Rules**.

SECTION D3 - 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. Consequently, the determination of all non-executive decisions under the Planning Acts is delegated to the Strategic Directors, apart from those matters reserved to the Planning Committee under this Section D4.
- 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.
- 1.3 Without prejudice to the generality of paragraph 1.1 above, the **Planning Committee** has delegated responsibility for determining the following to the Strategic Directors:
- Agricultural Prior Approval
 - East Midlands Airport Informal Notification
 - Certificate of Alternative Appropriate Development
 - Certificate of Lawful Development – Existing
 - Certificate of Lawful Development – Proposed
 - County Council Consultation
 - Demolition Prior Approval
 - Discharge of Conditions
 - Habitat Regulations Assessment
 - Hedgerow Removal Notice
 - Neighbouring Authority Consultation
 - Non-Material Amendment
 - Overhead Lines Notification
 - Pre-Application Advice
 - Pre-Application Advice - Major
 - Applications querying whether Planning Permission is required
 - Prior Approval for Householder development
 - Works to trees in a conservation area
 - 28 Day Telecommunications Development Notifications

- Notifications of intention to operate a campsite under class BC Part 4 GPDO
- Notification of a change of use of an agricultural building to a flexible commercial use under Class R, Part 3 of the GPDO.

Composition

- 1.4 The **Planning Committee** will comprise 11 Councillors in **Political Balance**.
- 1.5 The **Chair** will be appointed by **Full Council** annually.

Quorum

- 1.6 The **Planning Committee Quorum** will be seven **Councillors**.

Convening Meetings

- 1.7 The Chief Executive is responsible for convening all Committee meetings in accordance with the programme set by Full Council, and any meetings which have been convened at Chair's discretion in addition to those in the programme.

Substitutes

- 1.8 Each group may appoint substitutes in accordance with the **Councillors' Substitute Scheme Procedure Rules** in **Part 3**.

2 MATTERS RESERVED FOR THE PLANNING COMMITTEE

- 2.1 The determination of an application that is contrary to the provisions of an approved or draft **Development Plan** policy and is recommended for permission, which in the opinion of the relevant Strategic Director the application is likely to:
 - (a) be potentially controversial; or
 - (b) be of significant public interest; or
 - (c) have a significant adverse impact on the environment; or
 - (d) raise matters which should be referred to the **Planning Committee**.
- 2.2 The determination of an application that is submitted by or on behalf of the Council for its own development, except for the approval of development which in the opinion of the relevant Strategic Director (or a nominated officer) is unlikely to have any major impacts and to which no material planning objections have been received.
- 2.3 Excluding those types of applications detailed at paragraph 1.3 above, the determination of an application where the effective use of the Call- in procedure

has been executed in accordance with paragraph 3.

2.4 The determination of an application that is recommended for approval by officers and is submitted by:

(a) a serving member or officer of the Council; or

(b) the close relative of a serving member or officer of the Council

except for the approval of an application which in the opinion of the relevant Strategic Director (or a nominated officer) is unlikely to have any major impacts and to which no material planning objections have been received.

2.5 The determination of any application or matter that the relevant Strategic Director refers to the **Planning Committee**, including (but not limited to) any consultation on an executive function, provided that where the matter referred to the Committee relates to an executive function, the Committee's view shall be subject to being agreed with the relevant **Portfolio Holder** or agreed by **Cabinet**.

2.6 The making of orders to revoke or modify planning permissions.

2.7 To consider objections or other representations in relation to making tree preservation orders.

2.8 Serving Building Preservation Notices or Listed Building Repair Notices, except where it is necessary to serve a notice in an emergency.

2.9 To determine matters referred to it following the receipt of objections or other **Representations** in relation to:

(a) Public Footpath Orders under the Town and Country Planning Act 1990;

(b) Footpath Diversion Orders under the Highways Act 1980.

3. **CALL-IN PROCEDURE**

3.1 Call -in for the purpose of Para 2.3 is when the Chair of **Planning Committee**, in consultation with the Strategic Director (or his nominated officer), is satisfied that the following requirements are met:

3.1.1 the notification is supported by one or more material planning grounds;
and

3.1.2 the item relates to a matter of local concern; and

3.1.3 is submitted to the Strategic Director (or his nominated officer) in writing via the online form specifically relating to call-ins of planning application within 28 days of the serving member being sent an email notification

(signed by the Planning & Development Team Manager) of the application.

- 3.2 If a decision is made that the application does not satisfy 3.1.1 and/or 3.1.2 and/or 3.1.3 written reasons shall be given to the ward member who has submitted the call-in by the Strategic Director (or his nominated officer).
- 3.3 The Chair of **Planning Committee** shall have cause to consider a request for **Call-in** if:
 - 3.3.1 a ward member of the ward to which the application relates or the ward member of an adjoining ward (if that adjoining ward is materially impacted by the application) has notified the relevant Strategic Director (or his nominated officer) that the application should be determined by the **Planning Committee**; or
 - 3.3.2 a ward member of the ward to which the application relates or the ward member of an adjoining ward (if that adjoining ward is materially impacted by the application) has not notified the relevant Strategic Director (or nominated officer) in accordance with paragraph 3.1 but has a conflict of interest (provided that where the interest falls under para 2.4, the requirements of 2.4 are engaged) then any other member shall be entitled to notify the relevant Strategic Director (or his nominated officer) in accordance with paragraph 3.1.
- 3.4 If the **Chair of Planning Committee** is the ward member at 3.3.1 or 3.3.2 above, or the Chair has some other conflict of interest (provided that where the interest falls under para 2.4, the requirements of 2.4 are engaged) then the duty to consider the request for **Call-in** shall pass to the **Deputy Chair**.
- 3.5 If both the **Chair** and **Deputy Chair** have a conflict of interest (provided that where the interest falls under para 2.4, the requirements of 2.4 are engaged) then the duty to consider the request for **Call-in** shall pass to the **Planning Portfolio Holder**.
- 3.6 The decision made by the **Chair** or **Deputy Chair** in respect of whether an application subject to the call in procedure set out under paragraph 3 will be determined by the **Planning Committee**, shall be given in writing to the ward member by the Strategic Director (or his nominated officer).
- 3.7 For the purpose of this clause 3 a conflict of interest is where a member has any interest which would prevent them from making a decision in accordance with the **Councillors Code of Conduct**.

SECTION D4 - LOCAL PLAN COMMITTEE

1 COMMITTEE FORM AND STRUCTURE

Committee Scope

- 1.1 The **Local Plan Committee** will meet at least once every two months but may meet more frequently where necessary.
- 1.2 Other **Councillors** may (at the discretion of the **Chair**) be invited to speak at meetings of the **Local Plan Committee** on any particular matter. Requests to be so invited must be submitted by Councillors to the Democratic and Support Services **Team Manager** no later than 12pm on the last clear day before the meeting. Councillors so invited shall not be entitled to vote.
- 1.3 If appropriate to a particular matter being discussed by the **Local Plan Committee**, the **Chair** may permit relevant experts to speak at a meeting.
- 1.4 Rule 10 of the **Council and Committee Procedure Rules** in **Part 3** which allows members of the public to ask questions shall apply to the **Local Plan Committee** provided that references to "Council" or **Cabinet Members** shall be deemed to refer to the Local Plan Committee or its **Councillors**.
- 1.5 Neither the **Chair** nor **Deputy Chair** of the **Local Plan Committee** shall be the same person who is the Chair or Deputy Chair of the **Planning Committee**.

Composition

- 1.6 The **Local Plan Committee** will comprise 11 Councillors in **Political Balance**.
- 1.7 The **Chair** will be appointed by **Full Council** annually.

Quorum

- 1.8 The **Local Plan Committee Quorum** will be 7 **Councillors**.

Convening Meetings

- 1.9 The Chief Executive is responsible for convening all Committee meetings in accordance with the programme set by Full Council, and any meetings which have been convened at Chair's discretion in addition to those in the programme.

Substitutes

- 1.10 Each group may appoint substitutes in accordance with the **Councillors' Substitute Scheme Procedure Rules** in **Part 3**.

2 MATTERS RESERVED FOR THE LOCAL PLAN COMMITTEE

2.1 In relation to **Development Plan** Documents (DPDs) (the Council's Local Plan is a DPD):

2.1.1 To receive reports and drafts from **Cabinet** on:

- (a) proposed DPDs; and
- (b) the functioning of and proposed revisions to existing DPDs;

2.1.2 To consider and comment on documents that relate to DPDs including (but not restricted to) policy options and draft policies having regard to evidence prepared to support each DPD;

2.1.3 To provide updates to other Councillors who do not sit on the **Local Plan Committee** and to champion the Committee's work on the Local Plan;

2.1.4 To keep DPDs under review and monitor progress on the preparation of revisions and updates to DPDs (including the Local Plan);

2.1.5 Instructing **Cabinet** to reconsider drafts of DPDs and revisions of them;

2.1.6 Deciding to publish DPDs and revisions of them for public consultation;

2.1.7 Deciding to submit DPDs and revisions of them for examination by a Planning Inspector;

(Adoption of DPDs and revisions of them following examination remains a function of **Full Council**).

2.2 In relation to Supplementary Planning Documents (SPDs):

2.2.1 To receive reports from the **Cabinet** on:

- (a) proposed SPDs; and
- (b) the functioning of and proposed revisions to existing SPDs;

2.2.2 To consider and comment on documents that relate to SPDs including (but not restricted to) draft SPDs;

2.2.3 To keep SPDs under review and monitor progress on the preparation of revisions and updates to SPDs;

2.2.4 Instructing the executive (i.e. **Portfolio Holder/Officers**) to reconsider drafts of SPDs and revisions of them;

2.2.5 Deciding to publish SPDs and revisions of them for public consultation;

2.2.6 Deciding to adopt SPDs and revisions of them following public consultation.

2.3 In relation to HS2:

2.3.1 To keep the Council's HS2 strategy under review and monitor developments on the ground against the parameters set out in the Council's Strategy;

2.3.2 To decide to adopt an amended HS2 Strategy from time to time.

2.4 In relation to other Council functions:

2.4.1 To determine any matters referred to it by **Full Council**.

2.5 Advisory functions (non-decision-making):

2.5.1 Duty to Co-operate:

- (a) To consider and comment on responses to plans being prepared by other local planning authorities or by multiple local authorities working in partnership (such as the Strategic Growth Plan) as part of the "Duty to Cooperate" contained in s33A of the Planning and Compulsory Purchase Act 2004;
- (b) To recommend to Council that a particular inter-authority plan or strategy is adopted in compliance with the "Duty to Cooperate".

SECTION D5 - SCRUTINY COMMITTEES

1 COMMITTEE FORM AND STRUCTURE

Committee Scope

- 1.1 North West Leicestershire District Council adopts the **Cabinet** system to operate its decision making and there are two **Scrutiny Committees** comprising non-Cabinet Members – the Corporate Scrutiny Committee and the Community Scrutiny Committee.
- 1.2 Where there are references to the “relevant Scrutiny Committee” in this Constitution and there is any doubt as to which Scrutiny Committee it is, the decision of the **Monitoring Officer** shall be final.
- 1.3 Scrutiny is central to the Council's decision-making process and has two main roles:
 - 1.3.1 The development and review of policies for a wide range of subjects and services; and
 - 1.3.2 The critical examination of the Council's performance and effectiveness of its decisions.
- 1.4 The **Scrutiny Committees** look into areas of local concern and recommend improvements the Council can make to ensure quality of life is improved for all. The main tasks of the **Committees** are:
 - 1.4.1 Performance Monitoring - The Council has to meet corporate priorities set out in the Council Delivery Plan and report against those indicators. **Scrutiny Committees** can examine any aspect of the Council's performance, including services that it delivers through partnerships with other organisations;
 - 1.4.2 Holding the **Cabinet** to Account - Decisions made by the Cabinet but not yet put into practice can be reviewed by the **Scrutiny Committees** and challenged;
 - 1.4.3 Policy review and development - **Scrutiny Committees** can propose new policies or review existing policies and recommend changes to **Cabinet**; and
 - 1.4.4 External Scrutiny - Any issue directly affecting the residents of North West Leicestershire can be scrutinised by the **Scrutiny Committees**, including services provided by another organisation.
- 1.5 The **Scrutiny Committees** are not able to take decisions but make recommendations to either **Cabinet** or **Full Council**.

- 1.6 Below is a non-exhaustive list of the respective areas of responsibility for each **Scrutiny Committee**. Each Committee may receive reports and comment on matters of policy or items of business of a reasonably similar nature to those listed:

Corporate Scrutiny Committee	Community Scrutiny Committee
Asset Management	Business/Economy
Estates and property	Planning and Building Control
Audit	Tourism
Communications	Partnerships
Customer Services	Community Safety
Finance	Leisure
Human Resources	Health and Wellbeing
ICT	Stronger Safer Communities
Legal Services	Environmental Health
Revenue and Benefits	Licensing
Shared Services	Environmental Protection
Zero Carbon Roadmap	Statutory Crime and Disorder Committee
	Strategic Housing - Housing Strategy
	Housing Management
	Economic Development
	Regeneration
	Waste Services

Composition

- 1.7 The **Scrutiny Committees** will each comprise 10 Councillors in **Political Balance**.
- 1.8 Members of the **Scrutiny Committees** must not be **Cabinet Members** or members of the **Audit and Governance Committee**.
- 1.9 The **Chair** and **Deputy Chair** will be appointed by **Full Council** annually.
- 1.10 The **Scrutiny Committees** shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

Quorum

- 1.11 The **Quorum** for each **Scrutiny Committee** will be six **Councillors**.

Convening Meetings

- 1.12 The Chief Executive is responsible for convening all Committee meetings in accordance with the programme set by Full Council, and any meetings which have been convened at Chair's discretion in addition to those in the programme.

2 **MATTERS RESERVED TO THE SCRUTINY COMMITTEES**

The two **Scrutiny Committees** shall have equal status and equal functions as set out below. The Scrutiny Committees:

- 2.1 will discharge the Council's functions under section 9F of the 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 Plan** for scrutiny in accordance with the objectives of the Council Delivery Plan and arrangements for the scrutiny of other public bodies particularly where required to do so by law;
- 2.3 may establish such **Task and Finish Groups**, appointing the **Chair** in accordance with the Council's criteria and with such membership as it sees fit, to undertake scrutiny on a task and finish basis;
- 2.4 will, as part of the overall role, ensure the **Chief Executive** and **Senior Leadership Team** discharge their responsibilities effectively and efficiently in relation to the 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 and Finish 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 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;
- 2.14 may scrutinise decisions after implementation to examine their effect and outcomes;
- 2.15 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;
- 2.16 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;
- 2.17 may invite expert witnesses, Councillors, Officers and partners to answer questions;
- 2.18 will consider and advise the **Cabinet** in respect of "**Call-in**" notices under the Council's relevant procedures;
- 2.19 will create **Task and Finish Groups** and set their **Terms of Reference**, to fulfil the scrutiny requirements of the Council and the annual **Work Plan**;
- 2.20 will approve an annual **Work Plan**, to be kept under review and updated as required;
- 2.21 will produce an annual report to **Full Council** for the scrutiny process;
- 2.22 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;
- 2.23 will discharge the Council's scrutiny functions in relation to the reduction of crime and disorder pursuant to the Crime and Disorder Act 1998 and:
 - 2.23.1 shall have power to scrutinise decisions or actions taken in connection with the discharge of its crime and disorder functions by any responsible

authority and make recommendations or reports to the Council in relation to the discharge of those functions;

2.23.2 may co-opt additional members to serve on the Committee;

2.23.3 may require the attendance before it of any Officer or employee of any responsible authority or co-operating body;

2.23.4 may make a report or recommendation to a responsible authority or co-operating body; and

2.23.5 shall exercise its functions in accordance with any appropriate regulations.

2.24 Notwithstanding the above, the **Scrutiny Committees** shall not review any decisions of development control or other quasi-judicial matters.

SECTION D6 - AUDIT AND GOVERNANCE COMMITTEE

1 COMMITTEE FORM AND STRUCTURE

Committee scope

- 1.1 The **Audit and Governance Committee** has specific responsibility for governance issues, including audit functions.
- 1.2 The Committee's scope is to:
- 1.2.1 provide independent assurance to those charged with governance of the adequacy of the risk management framework and the internal control environment;
 - 1.2.2 provide independent review of the **Council's** governance, risk management and control frameworks and oversee the financial reporting and annual governance process;
 - 1.2.3 oversee internal audit and external audit arrangements, helping to ensure efficient and effective assurance mechanisms are in place.
- 1.3 The success of the **Audit and Governance Committee** in exercising its audit functions 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.

Composition

- 1.4 The **Audit and Governance Committee** comprises up to 12 Members
- (a) 9 Voting Councillors in accordance with **Political Balance**
 - (b) 2 Independent Co-opted Members
 - (c) An **Independent Chair**
- 1.5 Members of the **Committee** should not be members of **Cabinet** or **Scrutiny**.
- 1.6 The Chair of the Committee will be appointed by **Full Council** at its Annual General Meeting. The **Independent Chair** will oversee the meeting and provide appropriate technical expertise but will not be entitled to vote at meetings.
- 1.7 The 2 **Independent Members** may be co-opted to the **Audit and Governance Committee** to provide appropriate technical expertise but will not be entitled to vote at any meetings. It shall be a function of the Audit and Governance Committee to appoint any Independent Member for this purpose.

1.8 An **Independent Person** may be co-opted as required to a Sub-Committee of the **Audit and Governance Committee** in relation to **Councillors Code of Conduct** matters. **Full Council** appoint a pool of Independent Persons which can be drawn on for this purpose.

1.9 At least one parish councillor may be present when matters relating to parish councils or their Councillors are being considered. Parish councillors are co-opted to the **Audit and Governance Committee** as required and will not be entitled to vote at meetings.

Quorum

1.10 The **Audit and Governance Committee Quorum** will be 5 **Councillors**.

Convening Meetings

1.11 The Chief Executive is responsible for convening all Committee meetings in accordance with the programme set by Full Council, and any meetings which have been convened at Chair's discretion in addition to those in the programme.

2 MATTERS RESERVED FOR THE AUDIT AND GOVERNANCE COMMITTEE

Governance, Risk and Controls

2.1 The Committee has the right to access 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, including the ethical framework and consider the local code of 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 such as the [Corporate Risk Register](#).

- 2.8 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- 2.9 To review the assessment of fraud risks and potential harm to the **Council** from fraud and corruption.
- 2.10 To monitor the [Anti-Fraud and Corruption 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 approve the internal audit charter.
- 3.2 To approve (but not direct) 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.
- 3.3 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- 3.4 To make appropriate enquiries of both management and the Head of Internal Audit (currently the Audit Manager) to determine if there are any inappropriate scope or resource limitations.
- 3.5 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.
- 3.6 To consider reports from the Head of Internal Audit on internal audit's performance during the year.
- 3.7 To consider internal audit's annual report:
 - 3.7.1 The statement of the level of conformance with the **Global Internal Audit Standards in the UK Public Sector** 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;

- 3.7.2 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**.
- 3.8 To consider summaries of specific internal audit reports in accordance with agreed **Protocols**.
- 3.9 To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
- 3.10 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.
- 3.11 To provide free and unfettered access to the **Audit and Governance Committee Chair** for internal audit, 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.
- 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 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.
- 5.3 To seek assurances that the **Council** has complied with the **Treasury**

Management Strategy and Practices by demonstrating effective control of the associated risks and pursuing optimum performance consistent with those risks.

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**, as required, 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 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.

There are statutory obligations which will, in some circumstances, require reports to be taken to **Cabinet** or **Full Council**.

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 Governance Committee's Agenda**.

- 7.2 To review any issue referred to it by the **Chief Executive, S151 Officer, Monitoring Officer** or any **Council** body.

8 **STANDARDS FUNCTIONS**

- 8.1 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 **District** and parish councils.
- 8.2 To advise the Council on the adoption or revision of its **Councillors' Code of Conduct** in **Part 4**.
- 8.3 To monitor and advise the Council about the operation of its **Councillors' Code of Conduct** in **Part 4** in light of best practice and any changes in the law.

- 8.4 Advising, training or arranging to train councillors and co-opted members on matters relating to the **Councillors' Code of Conduct** in **Part 4**.
- 8.5 Dealing with any report from the **Monitoring Officer** on any matter concerning governance.
- 8.6 To establish **Sub-Committees** for the assessment or determination of matters concerning allegations in relation to Councillor conduct.
- 8.7 To grant **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 **Councillors' Code of Conduct** in **Part 4** as appropriate.
- 8.8 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.
- 8.9 To consider and make recommendations to **Full Council** on any other matter that may be referred to the **Audit and Governance Committee** relating to the conduct and training of Councillors.
- 8.10 To consider amendments to the **Constitution** and recommend proposals to **Full Council** for approval, except where specifically delegated to the **Monitoring Officer**.
- 8.11 To undertake an annual review of the **Corporate Governance Policies** and make recommendations to **Cabinet**.

Local Assessment of Complaints About Councillor Conduct

- 8.12 **Sub-Committees** of the **Audit and Governance Committee** are formed on an ad hoc basis to deal with local assessment of **Councillor** conduct complaints.
- 8.13 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.
- 8.14 The **Sub-Committee** may co-opt at least one parish councillor when decisions are taken concerning a parish matter.
- 8.15 The **Sub-Committee** may co-opt at least one **Independent Person** as appropriate.
- 8.16 The **Quorum** of the **Sub-Committees** is three **Councillors**.
- 8.17 The **Chair** of each **Sub-Committee** will be a **Councillor**.
- 8.18 The **Sub-Committees** and their functions are set out below:

Assessment Sub-Committee

Assessment of complaints in accordance with the **Council's Arrangements for Dealing with Code of Conduct Complaints** and to either:

- Decide that there is not enough information to make a decision;
- Decide that no action should be taken in respect of the complaint;
- Refer the matter for full investigation; or
- Refer the matter for other action.

Determinations Sub-Committee

To receive reports from the **Monitoring Officer** or his/her appointed investigating officer and to decide either:

- to determine finding of no failure to comply with the **Councillors' Code of Conduct in Part 4**;
- to determine finding of failure to comply with the **Councillors' Code of Conduct in Part 4** and impose relevant sanctions; or
- Refer the matter for other action;

in accordance with the **Council's Arrangements for Dealing with Code of Conduct Complaints**.

SECTION D7 - EMPLOYEE JOINT CONSULTATIVE COMMITTEE

1 COMMITTEE FORM AND STRUCTURE

Scope

- 1.1 The **Employee Joint Consultative Committee** shall meet as and when required. The **Chair** or **Deputy Chair** may request the **Monitoring Officer** to call a meeting at any time. A meeting shall also be called within seven 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.
- 1.2 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**.
- 1.3 The proceedings of any meeting of the **Committee** shall be reported to **Cabinet**.

Composition

- 1.4 The **Employee Joint Consultative Committee** will comprise six Councillors in **Political Balance** on behalf of the Council as employer and six representatives from the recognised trade unions on behalf of employees, in the following proportions:

General and Municipal Union (GMB)	two representatives
Unite	one representative
UNISON	three representatives

- 1.5 If a representative on behalf of the employees ceases to be an Officer of the Council, he/she shall thereupon cease to be a member of the **Employee Joint Consultative Committee** and any vacancy shall be filled by the Council.
- 1.6 The **Chair** and a **Deputy Chair** will be appointed by the **Employee Joint Consultative Committee** annually, at its first meeting following the statutory **Annual Meeting** of the Council. If the Chair appointed is a Councillor on behalf of the Council, the Deputy Chair shall be appointed from the representative on behalf of the employees, and vice versa. The Chair of the meeting shall not have a second or **Casting Vote**.

Quorum

- 1.7 The **Employee Joint Consultative Committee Quorum** will be three **Councillors** and three representatives on behalf of the employees.

Convening Meetings

- 1.8 The Chief Executive is responsible for convening all Committee meetings in accordance with the programme set by Full Council, and any meetings which have been convened at Chair's discretion in addition to those in the programme.

Substitutes

- 1.9 Each group may appoint substitute Councillors in accordance with the **Councillors' Substitute Scheme Procedure Rules** in **Part 3**.
- 1.10 Each representative on behalf of the employees may appoint a substitute and is responsible for making their own arrangements.

Advisors and Observers

- 1.11 The following Officers may attend meetings of the **Employee Joint Consultative Committee** in an advisory capacity:

The **Chief Executive**

The **Strategic Directors**

Head of Human Resources and Organisational Development

- 1.12 The **Monitoring Officer** will be responsible for convening meetings and shall be represented by a Democratic Services Officer for the sole purpose of recording the **Minutes** of the meeting.
- 1.13 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 **Employee Joint Consultative Committee**) will be permitted to attend as observers, subject to the provision of two working days' notice to the Head of Human Resources and Organisational Development.

2 FUNCTIONS OF THE EMPLOYEE JOINT CONSULTATIVE COMMITTEE

- 2.1 To provide a means of resolution for those matters that the Employee Consultation Group has been unable to resolve, provided that the decision is not one that should be made elsewhere.
- 2.2 To consider any relevant matter referred to it by a Committee of the Council or by any of the recognised trades unions.
- 2.3 To discharge any other functions specifically assigned to the **Employee Joint Consultative Committee**.
- 2.4 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.

SECTION D8 - INDEPENDENT REMUNERATION PANEL

1 PANEL FORM AND STRUCTURE

Composition

1.1 The **Independent Remuneration Panel** will comprise four **Independent Members**. In order to maintain the independence of the Independent Remuneration Panel, members shall not be:

- a person who has within the period of five years before receiving the date of appointment been a **Councillor** or Officer of the Council;
- a person who is a relative or close friend of a **Councillor** or Officer of the Council; and/or
- a person who does not either live or work in the **District**.

1.2 The term of office for members of the **Independent Remuneration Panel** is four years.

1.3 The **Chair** will be appointed at the first meeting of the **Independent Remuneration Panel** each year. The Chair shall have a **Casting Vote**.

Quorum

1.4 The **Independent Remuneration Panel Quorum** will be three members of the panel.

Convening Meetings

1.5 The Chief Executive is responsible for convening all Committee meetings in accordance with the programme set by Full Council, and any meetings which have been convened at Chair's discretion in addition to those in the programme.

2 MATTERS RESERVED FOR THE INDEPENDENT REMUNERATION PANEL

To make recommendations to Council:

2.1 as to the amount of basic allowance that should be payable to its **Councillors**;

2.2 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;

2.3 about the duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance;

- 2.4 as to the amount of co-optees' allowance;
- 2.5 as to whether the Council'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;
- 2.6 on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended;
- 2.7 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;
- 2.8 as to which members of the Council are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972;
- 2.9 on whether basic allowances and special responsibility allowances should be treated as amounts in respect of which such pensions are payable.