

## SECTION 6: ROLES AND RESPONSIBILITIES OF COUNCIL DECISION MAKING BODIES

### 6.1 COMMITTEES OF THE COUNCIL

In order to undertake its functions in a more efficient way, the Council establishes committees to which it delegates authority to oversee and make decisions relating to non-executive responsibilities.

The seats on committees are allocated in accordance with the rules on political proportionality and the party-political groups are responsible for nominating councillors from their groups to fill the seats.

The next part describes the committees that the Council has established and delegated authority for decision making.

### 6.2. AUDIT AND CORPORATE GOVERNANCE, ~~AUDIT AND STANDARDS~~ COMMITTEE

#### Membership

11 Elected Members appointed by the Council (excluding Members of the Cabinet) to reflect the political balance of the Council.

Up to 3 Independent, non-voting co-opted Members invited to attend meetings during discussion on all corporate governance and audit matters.

#### Meetings

There shall normally be six scheduled meetings in each year. Additional meetings may also be called as and when appropriate and required. A meeting may be called by the Chair, by one-third of the voting members of the Committee or by the Managing Director

#### Statement of Purpose

~~When carrying out Corporate Governance and Audit functions, t~~The purpose of the Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

The Audit and Corporate Governance, ~~Standards and Audit~~ Committee is responsible for the following functions:

### **General Powers**

- ~~1. To make appointments of council representatives to Outside Bodies or joint committees of two or more authorities (or to any committee or sub-committee of such a body) and the revocation of any such appointment to a body.~~
- ~~2. To consider and make recommendations to the full Council in relation to the following matters:
  - ~~• Amendments to the Council's Standing Orders~~
  - ~~• Conferring the title of honorary alderman or to admit an honorary freeman~~
  - ~~• The making, amendment, revocation or re-enactment of byelaws under any statutory provision~~
  - ~~• Matters related to the name and status of areas~~
  - ~~• Terms under which a Community Governance Review shall be carried out (Sections 81-82 Local Government and Public Involvement in Health Act 2007)~~
  - ~~• The promotion, opposition to or amendment of local or personal Bills (Section 239 of the Local Government Act 1972)~~~~
- ~~3. To exercise the Council's functions relating to local government pensions, etc (regulations under Section 7, 12 or 24 of the Superannuation Act 1972).~~
- ~~4. Power to make an order identifying a place as a public place for the purposes of police powers to deal with street drinking (Criminal Justice and Police Act 2001).~~
- ~~5. To exercise the Council's powers in relation to the following elections and electoral registration functions:
  - ~~• Dividing the constituency into polling districts and designating polling places (Section 18, Representation of the People Act, 1983)~~
  - ~~• Dividing electoral divisions into polling districts and designating polling places at local government elections (Section 31 of the Representation of the People Act, 1983)~~
  - ~~• Making proposals for pilot schemes for local elections~~~~

### **Governance Risk and Control**

1. To review the Annual Governance Statement prior to approval 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. To approve the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
3. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

4. To monitor the effective development and operation of risk management in the Council.
5. To monitor progress in addressing risk-related issues reported to the Committee.
6. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
7. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
8. To monitor the counter-fraud strategy, actions and resources.
9. To review the governance and assurance arrangements for significant partnerships or collaborations.

#### **Internal Audit**

10. To approve the internal audit charter.
11. To review 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.
12. To approve significant changes to the risk-based internal audit plan and resource requirements.
13. To make appropriate enquiries of both management and the Executive Head of Finance to determine if there are any inappropriate scope or resource limitations, in respect of carrying out internal audit work.
14. To consider reports on internal audit's performance during the year including:
  - a. Key findings, issues of concern and action in hand as a result of internal audit work
  - b. Regular reports on the results of the Quality Assurance and Improvement Plan and any non-compliance with Public Sector Internal Audit Standards (PSIAS).
15. To consider annual internal audit reports, including;
  - a. The statement on the level of conformance with PSIAS
  - b. The Quality and Assurance Improvement Plan
  - c. 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.

16. To receive summaries of any specific internal reports as requested.
17. To receive reports outlining the action taken where the Executive Head of Finance 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.
18. To provide internal audit unfettered access to the Committee Chair, including the opportunity for a private meeting with the Committee.

#### **External Audit**

19. 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 the Public Sector Audit Appointments (PSAA).
20. To consider the external auditor's annual audit letter, annual audit results report and other relevant reports.
21. To consider the scope and depth of external audit work and ensure it provides value for money.
22. To commission work from internal and external audit.

#### **Financial Reporting**

23. To approve the annual Statement of Accounts and consider whether appropriate accounting policies have been followed and whether any concerns arising from the financial statement or from the audit need to be brought to the attention of the Council.
24. To consider the external auditor's report to those charged with governance on any issues arising from the audit of the accounts.

#### **Accountability arrangements**

25. To undertake appropriate training in respect of its governance and audit role.
26. To carry out an annual self-assessment in relation to the effectiveness of the Committee in meeting its purpose.
27. Where considered appropriate, to report to Council on any issues concerning the effectiveness of the arrangements in place for governance, risk, and internal control frameworks.

#### **Licensing Powers**

~~33. Responsibility for the licensing functions of the Council:~~

- ~~• Functions under the Licensing Act 2003 (see Section 4, Paragraph 4.3 for delegation arrangements)~~
- ~~• Functions under the Gambling Act 2005 (see Section 4, Paragraph 4.4 for delegation arrangements)~~
- ~~• Taxis, private hire and other vehicles (see Section 4, Paragraph 4.5 for delegation arrangements)~~
- ~~• All other licensing and registration functions including for caravan sites, food premises registration, animal licensing, charities and street collection permits, street trading consents and scrap metal dealers (see Section 4, Paragraph 4.6 for delegation arrangements)~~

~~34. Responsibility for functions and powers relating to smoke free legislation and the Health Act 2006 (see Section 4, Paragraph 4.8 for delegation arrangements).~~

~~35. Responsibility for Health and Safety at work (see Section 4, Paragraph 4.7 for delegation arrangements).~~

~~36. Responsibility for the powers in sections 4, 8 and 9 of the Hampshire Act, 1983:-~~

- ~~s.4 (relating to the registration of hairdressers and barbers and premises occupied by them)~~
- ~~s.8 (relating to the control of stray dogs)~~
- ~~s.9 (relating to the seizure of horses).~~

**~~Standards and Members' Code of Conduct Responsibilities –~~**

~~28. To promote and maintain high standards of conduct by councillors and co-opted members of the Council as set out in the Councillors Code of Conduct.~~

~~29. To advise the Council on the adoption or revision of the Members' Code of Conduct.~~

~~30. To monitor the operation of the Members' Code of Conduct.~~

~~31. To make and implement arrangements for dealing with complaints in accordance with the Localism Act, 2011 and any subsequent regulations and guidance.~~

~~32. To deal with matters relating to the appointment and activities of the Independent Person(s) within the provision of the Localism Act 2011 and any subsequent regulations and guidance. The appointment of the Independent Person is subject to confirmation by the Council.~~

~~33. To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the Code of Conduct.~~

## **Ombudsman**

34.28. To keep under review Ombudsman investigations and consider their outcomes where appropriate.

### **Work Programme**

There shall be oversight of the Committee's work programme at the Programme Management Group to enable co-ordination between the overall work of the Audit & Governance Committee, Overview and Scrutiny Committee and Policy and Project Advisory Board.

## **6.3 LICENSING AND CORPORATE BUSINESS COMMITTEE**

### **Membership**

11 Elected Members appointed by the Council (excluding Members of the Cabinet) to reflect the political balance of the Council.

### **Meetings**

There shall normally be three scheduled meetings in each year in May/June, January and March. Additional meetings may also be called as and when appropriate and required. A meeting may be called by the Chair, by one-third of the voting members of the Committee or by the Managing Director.

### **Functions and Responsibilities**

The Licensing and Corporate Business Committee is responsible for the following functions:

### **Licensing**

#### 1. Responsibility for the licensing functions of the Council:

- Functions under the Licensing Act 2003 (see Section 4, Paragraph 4.3 for delegation arrangements)
- Functions under the Gambling Act 2005 (see Section 4, Paragraph 4.4 for delegation arrangements)
- Taxis, private hire and other vehicles (see Section 4, Paragraph 4.5 for delegation arrangements)
- All other licensing and registration functions including for caravan sites, food premises registration, animal licensing, charities and street collection permits, street trading consents and scrap metal dealers (see Section 4, Paragraph 4.6 for delegation arrangements)

2. Responsibility for functions and powers relating to smoke free legislation and the Health Act 2006 (see Section 4, Paragraph 4.8 for delegation arrangements).
3. Responsibility for Health and Safety at work (see Section 4, Paragraph 4.7 for delegation arrangements).
4. Responsibility for the powers in sections 4, 8 and 9 of the Hampshire Act, 1983:-
  - s.4 (relating to the registration of hairdressers and barbers and premises occupied by them)
  - s.8 (relating to the control of stray dogs)
  - s.9 (relating to the seizure of horses).

### **Corporate Business**

5. To make appointments of council representatives to Outside Bodies or joint committees of two or more authorities (or to any committee or sub-committee of such a body) and the revocation of any such appointment to a body.
- 5-6. To make appointments to Council Groups, Partnerships and Boards including the Council's Programme Management Group which co-ordinates the work programmes of the Audit and Governance Committee, Overview and Scrutiny Committee and Policy and Project Advisory Board.**
7. To consider and make recommendations to the full Council in relation to the following matters:
  - Amendments to the Council's Standing Orders and changes to the Scheme of Delegation for non-executive matters
  - Designation of Head of Paid Service
  - Conferring the title of honorary alderman or to admit an honorary freeman
  - The making, amendment, revocation or re-enactment of byelaws under any statutory provision
  - Matters related to the name and status of areas
  - Terms under which a Community Governance Review shall be carried out (Sections 81-82 Local Government and Public Involvement in Health Act 2007)
  - The promotion, opposition to or amendment of local or personal Bills (Section 239 of the Local Government Act 1972)
  - The transfer of non-executive functions to another local authority, or decision to accept such a delegation from another local authority
8. To exercise the Council's functions relating to local government pensions, etc (regulations under Section 7, 12 or 24 of the Superannuation Act 1972).
9. Power to make an order identifying a place as a public place for the purposes of police powers to deal with street drinking (Criminal Justice and Police Act 2001).

## **Elections**

10. To exercise the Council's powers in relation to the following elections and electoral registration functions:

- Dividing the constituency into polling districts and designating polling places (Section 18, Representation of the People Act, 1983)
- Dividing electoral divisions into polling districts and designating polling places at local government elections (Section 31 of the Representation of the People Act, 1983)
- Making proposals for pilot schemes for local elections

## **Standards**

6-11. To promote and maintain high standards of conduct by councillors and co-opted members of the Council as set out in the Councillors Code of Conduct.

7-12. To advise the Council on the adoption or revision of the Members' Code of Conduct.

8-13. To monitor the operation of the Members' Code of Conduct.

9-14. To make and implement arrangements for dealing with complaints in accordance with the Localism Act, 2011 and any subsequent regulations and guidance.

10-15. To deal with matters relating to the appointment and activities of the Independent Person(s) within the provision of the Localism Act 2011 and any subsequent regulations and guidance. The appointment of the Independent Person is subject to confirmation by the Council.

11-16. To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the Code of Conduct.

### **6.3 LICENSING SUB-COMMITTEE**

The Licensing and Corporate Business Governance, Audit and Standards Committee appoints a Licensing Sub-Committee.

The membership is five Members, politically balanced, drawn from the Licensing and Corporate Business Governance, Audit and Standards Committee.

The terms of reference are:



- (i) to deal with licensing applications where such applications have a substantial impact on the area or there are significant objections; or
- (ii) to consider and determine licensing matters where the Executive Head of Operations considers it inappropriate to exercise his/her delegated powers

#### 6.4 LICENSING SUB-COMMITTEE (ALCOHOL AND ENTERTAINMENTS)

The Licensing and Corporate Business Governance, Audit and Standards Committee appoints a Licensing Sub-Committee (Alcohol and Entertainments).

The membership of the Sub-Committee is three trained councillors appointed by the Corporate Manager - Democracy drawn from the Licensing and Corporate Business Governance, Audit and Standards Committee on a rotational basis. No requirement for political balance.

Terms of reference:

- (i) To consider and determine licence applications made under the Licensing Act 2003 and Gambling Act 2005 in accordance with the Scheme of Delegation set out in Part 3, Section 4, paragraphs 4.3 and 4.4

The rules and procedures for the Sub-Committee, including the arrangements for appointments to the Sub-Committee, are set out in Part 4 of the Constitution 'Licensing Sub-Committee (Alcohol and Entertainments) Hearings Protocol and Procedure Rules'.

#### 6.4A LICENSING SUB-COMMITTEE (TAXIS)

The Licensing and Corporate Business Governance, Audit and Standards Committee appoints a Licensing Sub-Committee (Taxis).

The membership of the Sub-Committee is three trained councillors, politically balanced, appointed by the Corporate Manager – Democracy drawn from the Corporate Governance, Audit and Standards Committee on a rotational basis.

Terms of reference:

- (i) To consider and determine taxi licensing applications where the Executive Head of Operations is minded to refuse or revoke a licence and the decision is not deemed urgent, in accordance with the Scheme of Delegation set out in Part 3, Section 4, paragraph 4.5.

The rules and procedures for the hearings, including the arrangements for appointments to the Sub-Committee, are set out in Part 4 of the Constitution 'Licensing Sub-Committee (Taxis) Hearings Protocol and Procedure Rules'.

## **6.5. DEVELOPMENT MANAGEMENT COMMITTEE**

The Development Management Committee is responsible for the discharge of the Council's functions in respect of the necessary statutory provisions in relation to all town planning matters concerning the control of development and regulation and use of land under the provisions of the Town and Country Planning Act, 1990 (as amended), Town and Country Planning (Control of Advertisements) Regulations 1992, the Planning (Listed Building and Conservation Areas) Act 1990, Planning and Compensation Act 2004 and any associated or related Acts, legislation , regulations and provisions.

While many matters are delegated to the Executive Head of Property and Growth (see Section 4.2 (3)), the following matters must be decided by the Development Management Committee:

### **Planning Applications**

1. Deciding planning applications for 25 or more new dwellings
2. Deciding a planning application which is contrary to the provisions of an approved or draft development plan or adopted planning policy approved by the Council and which is recommended for approval
3. Deciding planning applications which any councillor requests, setting out good material planning reasons in writing to the Executive Head of Property and Growth, within 21 days of the circulation of details of the application. The referral to the Committee to be agreed by the Chairman of the Committee in consultation with the Executive Head of Property and Growth and/or Corporate Planning Manager.
4. Deciding planning applications submitted by or on behalf of a councillor (or his/her spouse, partner or other immediate family member) or by any member of the Council's staff (or his/her spouse, partner or other immediate family member)
5. Deciding planning applications submitted by or on behalf of the Council for its own developments
6. Deciding planning applications which the Executive Head of Property and Growth considers should be presented to Committee for decision including for example, those developments that in their opinion are potentially controversial, likely to be of significant public interest, or which may have a significant impact on the Borough or its environment.
7. The Development Management Committee will also receive updates on progress on Committee decisions, planning enforcement, and performance of the planning service with regard to the nationally set performance standards and associated matters.

## **SECTION 6: ROLES AND RESPONSIBILITIES OF COUNCIL DECISION MAKING BODIES**

### **6.1 COMMITTEES OF THE COUNCIL**

In order to undertake its functions in a more efficient way, the Council establishes committees to which it delegates authority to oversee and make decisions relating to non-executive responsibilities.

The seats on committees are allocated in accordance with the rules on political proportionality and the party-political groups are responsible for nominating councillors from their groups to fill the seats.

The next part describes the committees that the Council has established and delegated authority for decision making.

### **6.2. AUDIT AND GOVERNANCE COMMITTEE**

#### **Membership**

11 Elected Members appointed by the Council (excluding Members of the Cabinet) to reflect the political balance of the Council.

Up to 3 Independent, non-voting co-opted Members invited to attend meetings during discussion on all corporate governance and audit matters.

#### **Meetings**

There shall normally be six scheduled meetings in each year. Additional meetings may also be called as and when appropriate and required. A meeting may be called by the Chair, by one-third of the voting members of the Committee or by the Managing Director.

#### **Statement of Purpose**

The purpose of the Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

#### **Functions and Responsibilities**

The Audit and Governance Committee is responsible for the following functions:

### **Governance Risk and Control**

1. To review the Annual Governance Statement prior to approval 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. To approve the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
3. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
4. To monitor the effective development and operation of risk management in the Council.
5. To monitor progress in addressing risk-related issues reported to the Committee.
6. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
7. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
8. To monitor the counter-fraud strategy, actions and resources.
9. To review the governance and assurance arrangements for significant partnerships or collaborations.

### **Internal Audit**

10. To approve the internal audit charter.
11. To review 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.
12. To approve significant changes to the risk-based internal audit plan and resource requirements.
13. To make appropriate enquiries of both management and the Executive Head of Finance to determine if there are any inappropriate scope or resource limitations, in respect of carrying out internal audit work.
14. To consider reports on internal audit's performance during the year including:

- a. Key findings, issues of concern and action in hand as a result of internal audit work
  - b. Regular reports on the results of the Quality Assurance and Improvement Plan and any non-compliance with Public Sector Internal Audit Standards (PSIAS).
15. To consider annual internal audit reports, including;
- a. The statement on the level of conformance with PSIAS
  - b. The Quality and Assurance Improvement Plan
  - c. 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.
16. To receive summaries of any specific internal reports as requested.
17. To receive reports outlining the action taken where the Executive Head of Finance 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.
18. To provide internal audit unfettered access to the Committee Chair, including the opportunity for a private meeting with the Committee.

#### **External Audit**

19. 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 the Public Sector Audit Appointments (PSAA).
20. To consider the external auditor's annual audit letter, annual audit results report and other relevant reports.
21. To consider the scope and depth of external audit work and ensure it provides value for money.
22. To commission work from internal and external audit.

#### **Financial Reporting**

23. To approve the annual Statement of Accounts and consider whether appropriate accounting policies have been followed and whether any concerns arising from the financial statement or from the audit need to be brought to the attention of the Council.
24. To consider the external auditor's report to those charged with governance on any issues arising from the audit of the accounts.

### **Accountability arrangements**

25. To undertake appropriate training in respect of its governance and audit role.
26. To carry out an annual self-assessment in relation to the effectiveness of the Committee in meeting its purpose.
27. Where considered appropriate, to report to Council on any issues concerning the effectiveness of the arrangements in place for governance, risk, and internal control frameworks.

### **Ombudsman**

28. To keep under review Ombudsman investigations and consider their outcomes where appropriate.

### **Work Programme**

29. There shall be oversight of the Committee's work programme at the Programme Management Group to enable co-ordination between the overall work of the Audit & Governance Committee, Overview and Scrutiny Committee and Policy and Project Advisory Board.

## **6.3 LICENSING AND CORPORATE BUSINESS COMMITTEE**

### **Membership**

11 Elected Members appointed by the Council (excluding Members of the Cabinet) to reflect the political balance of the Council.

### **Meetings**

There shall normally be three scheduled meetings in each year in May/June, January and March. Additional meetings may also be called as and when appropriate and required. A meeting may be called by the Chair, by one-third of the voting members of the Committee or by the Managing Director.

### **Functions and Responsibilities**

The Licensing and Corporate Business Committee is responsible for the following functions:

### **Licensing**

1. Responsibility for the licensing functions of the Council:

- Functions under the Licensing Act 2003 (see Section 4, Paragraph 4.3 for delegation arrangements)
  - Functions under the Gambling Act 2005 (see Section 4, Paragraph 4.4 for delegation arrangements)
  - Taxis, private hire and other vehicles (see Section 4, Paragraph 4.5 for delegation arrangements)
  - All other licensing and registration functions including for caravan sites, food premises registration, animal licensing, charities and street collection permits, street trading consents and scrap metal dealers (see Section 4, Paragraph 4.6 for delegation arrangements)
2. Responsibility for functions and powers relating to smoke free legislation and the Health Act 2006 (see Section 4, Paragraph 4.8 for delegation arrangements).
  3. Responsibility for Health and Safety at work (see Section 4, Paragraph 4.7 for delegation arrangements).
  4. Responsibility for the powers in sections 4, 8 and 9 of the Hampshire Act, 1983:-
    - s.4 (relating to the registration of hairdressers and barbers and premises occupied by them)
    - s.8 (relating to the control of stray dogs)
    - s.9 (relating to the seizure of horses).

### **Corporate Business**

5. To make appointments of council representatives to Outside Bodies or joint committees of two or more authorities (or to any committee or sub-committee of such a body) and the revocation of any such appointment to a body.
6. To make appointments to Council Groups, Partnerships and Boards including the Council's Programme Management Group which co-ordinates the work programmes of the Audit and Governance Committee, Overview and Scrutiny Committee and Policy and Project Advisory Board.
7. To consider and make recommendations to the full Council in relation to the following matters:
  - Amendments to the Council's Standing Orders and changes to the Scheme of Delegation for non-executive matters
  - Designation of Head of Paid Service
  - Conferring the title of honorary alderman or to admit an honorary freeman
  - The making, amendment, revocation or re-enactment of byelaws under any statutory provision
  - Matters related to the name and status of areas

- Terms under which a Community Governance Review shall be carried out (Sections 81-82 Local Government and Public involvement in Health Act 2007)
  - The promotion, opposition to or amendment of local or personal Bills (Section 239 of the Local Government Act 1972)
  - The transfer of non-executive functions to another local authority, or decision to accept such a delegation from another local authority
8. To exercise the Council's functions relating to local government pensions, etc (regulations under Section 7,12 or 24 of the Superannuation Act 1972).
9. Power to make an order identifying a place as a public place for the purposes of police powers to deal with street drinking (Criminal Justice and Police Act 2001).

## **Elections**

10. To exercise the Council's powers in relation to the following elections and electoral registration functions:
- Dividing the constituency into polling districts and designating polling places (Section 18, Representation of the People Act, 1983)
  - Dividing electoral divisions into polling districts and designating polling places at local government elections (Section 31 of the Representation of the People Act, 1983)
  - Making proposals for pilot schemes for local elections

## **Standards**

11. To promote and maintain high standards of conduct by councillors and co-opted members of the Council as set out in the Councillors Code of Conduct.
12. To advise the Council on the adoption or revision of the Members' Code of Conduct.
13. To monitor the operation of the Members' Code of Conduct.
14. To make and implement arrangements for dealing with complaints in accordance with the Localism Act, 2011 and any subsequent regulations and guidance.
15. To deal with matters relating to the appointment and activities of the Independent Person(s) within the provision of the Localism Act 2011 and any subsequent regulations and guidance. The appointment of the Independent Person is subject to confirmation by the Council.
16. To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the Code of Conduct.



### **6.3 LICENSING SUB-COMMITTEE**

The Licensing and Corporate Business Committee appoints a Licensing Sub-Committee.

The membership is five Members, politically balanced, drawn from the Licensing and Corporate Business Committee.

The terms of reference are:

- (i) to deal with licensing applications where such applications have a substantial impact on the area or there are significant objections; or
- (ii) to consider and determine licensing matters where the Executive Head of Operations considers it inappropriate to exercise his/her delegated powers

### **6.4 LICENSING SUB-COMMITTEE (ALCOHOL AND ENTERTAINMENTS)**

The Licensing and Corporate Business Committee appoints a Licensing Sub-Committee (Alcohol and Entertainments).

The membership of the Sub-Committee is three trained councillors appointed by the Corporate Manager - Democracy drawn from the Licensing and Corporate Business Committee on a rotational basis. No requirement for political balance.

Terms of reference:

- (i) To consider and determine licence applications made under the Licensing Act 2003 and Gambling Act 2005 in accordance with the Scheme of Delegation set out in Part 3, Section 4, paragraphs 4.3 and 4.4

The rules and procedures for the Sub-Committee, including the arrangements for appointments to the Sub-Committee, are set out in Part 4 of the Constitution 'Licensing Sub-Committee (Alcohol and Entertainments) Hearings Protocol and Procedure Rules'.

### **6.4A LICENSING SUB-COMMITTEE (TAXIS)**

The Licensing and Corporate Business Committee appoints a Licensing Sub-Committee (Taxis).

The membership of the Sub-Committee is three trained councillors, politically balanced, appointed by the Corporate Manager – Democracy drawn from the Corporate Governance, Audit and Standards Committee on a rotational basis.

Terms of reference:

- (i) To consider and determine taxi licensing applications where the Executive Head of Operations is minded to refuse or revoke a licence and the decision is not deemed urgent, in accordance with the Scheme of Delegation set out in Part 3, Section 4, paragraph 4.5.

The rules and procedures for the hearings, including the arrangements for appointments to the Sub-Committee, are set out in Part 4 of the Constitution 'Licensing Sub-Committee (Taxis) Hearings Protocol and Procedure Rules'.

## **6.5. DEVELOPMENT MANAGEMENT COMMITTEE**

The Development Management Committee is responsible for the discharge of the Council's functions in respect of the necessary statutory provisions in relation to all town planning matters concerning the control of development and regulation and use of land under the provisions of the Town and Country Planning Act, 1990 (as amended), Town and Country Planning (Control of Advertisements) Regulations 1992, the Planning (Listed Building and Conservation Areas) Act 1990, Planning and Compensation Act 2004 and any associated or related Acts, legislation, regulations and provisions.

While many matters are delegated to the Executive Head of Property and Growth (see Section 4.2 (3)), the following matters must be decided by the Development Management Committee:

### **Planning Applications**

1. Deciding planning applications for 25 or more new dwellings
2. Deciding a planning application which is contrary to the provisions of an approved or draft development plan or adopted planning policy approved by the Council and which is recommended for approval
3. Deciding planning applications which any councillor requests, setting out good material planning reasons in writing to the Executive Head of Property and Growth, within 21 days of the circulation of details of the application. The referral to the Committee to be agreed by the Chairman of the Committee in consultation with the Executive Head of Property and Growth and/or Corporate Planning Manager.
4. Deciding planning applications submitted by or on behalf of a councillor (or his/her spouse, partner or other immediate family member) or by any member of the Council's staff (or his/her spouse, partner or other immediate family member)
5. Deciding planning applications submitted by or on behalf of the Council for its own developments
6. Deciding planning applications which the Executive Head of Property and Growth considers should be presented to Committee for decision including for example, those developments that in their opinion are potentially controversial, likely to be of significant public interest, or which may have a significant impact on the Borough or its environment.

7. The Development Management Committee will also receive updates on progress on Committee decisions, planning enforcement, and performance of the planning service with regard to the nationally set performance standards and associated matters.

## **SECTION 7: TERMS OF REFERENCE OF THE OVERVIEW AND SCRUTINY COMMITTEE**

### **Overview and Scrutiny Committee**

- 7.1 The Council has one Overview and Scrutiny Committee. This Committee is also the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006.

The Overview and Scrutiny Procedure Rules for the discharge of the Committee's functions under Section 9F of the Local Government Act 2000 are set out in Part 4 of the Constitution.

### **7.2 Composition**

The arrangements with respect to the composition of the Overview and Scrutiny Committee will be as follows:

- The Committee will have a maximum of eleven non-executive councillors, and in accordance with the provisions of the Local Government Housing Act 1989, will reflect the political balance of the Council.
- The Committee will be able to appoint up to two Vice-Chairs, drawn from those councillors serving on the Committee, to lead on specific projects and to chair task and finish groups. The Chair will be appointed at the Annual Meeting of the Council for the ensuing year.
- Cabinet Members will be expected to attend the Committee, and task and finish groups appointed by the Committee, when invited, to contribute on matters that relate to their portfolio.
- The Committee will be able to co-opt external representatives or appoint advisers, as it sees fit in a non-voting capacity.

Membership of both the Overview and Scrutiny Committee and the Policy and Project Advisory Board does not inevitably create a conflict of interest.

Councillors and co-optees may not be involved in scrutinising a decision in which they have been involved directly.

### **7.3 Work Programme and co-ordination with other bodies**

The Overview and Scrutiny Committee's work programme shall be developed by the Committee and in co-ordination with the work programmes of the Policy and Project Advisory Board (PPAB), and the Audit and Governance Committee (AGC).

The co-ordination reflects that some roles of overview and scrutiny are shared with other committees. The 'policy development' role of overview and scrutiny

is undertaken by the Policy and Project Advisory Board, and responsibility for scrutinising the Council's framework of internal controls and assurance for managing risk and overall activity rests with the Audit and Governance Committee.

To co-ordinate work programmes, a cross-party Programme Management Group with representatives from the three committees (PPAB, OSC and AGC) will have collective oversight of work plans to help avoid duplication and make best use of resources.

The Committee's overall work programme should take account of:

- Whether the proposed work furthers corporate priorities
- The likelihood of something significant or valuable coming from the work
- The importance of the issue for users and the public generally
- Whether there is evidence of user dissatisfaction with the service
- Issues raised through audit or inspections
- Whether there is a high level of budgetary commitment to the service
- Public interest covered in the local media

The work programme shall take into account the wishes of councillors who are not members of the largest political group on the Council.

Regular meetings between the Chair and lead officer will be held to discuss the Committee's work programme.

The Committee's work programme shall be included on the agenda of each ordinary meeting of the Overview and Scrutiny Committee.

## **7.43 General Terms of Reference**

The general terms of reference of the Overview and Scrutiny Committee are set out below:

- ~~to perform all overview and scrutiny functions on behalf of the Council~~ (reference to the functions arising from LGA2000 inserted above);
- to develop a work programme, and which is co-ordinated with the work programmes of the Policy and Project Advisory Board, and the Audit and Governance Committee which ensures that the Committee's time is effectively and efficiently utilised;
- to appoint such formal sub-committees and informal task and finish groups as ~~it considers~~ appropriate to deliver its planned work programme and fulfil ~~its those~~ overview and scrutiny functions;

- ~~to approve the overview and scrutiny work programme so as to ensure that the Committee's time is effectively and efficiently utilised;~~ (moved to work programmes)
- to undertake investigations into such matters relating to the Council's functions and powers as:
  - may be referred by the Council, Committees, the Cabinet, or the Leader; or
  - the Committee may consider appropriate as part of a co-ordinated work programme; or
  - have been referred to the Committee pursuant to the "call-in" procedure set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution. (These can be decisions taken by the Cabinet, a Cabinet Member, key decisions taken by an officer or under joint arrangements);

***Move section below to the 'Functions and Responsibilities' for clarity and to avoid duplication in this document***

- ~~to monitor and review the performance of the Council and services against relevant performance indicators and adopted plans;~~
- ~~to review and/or scrutinise decisions proposed to be made (pre-decision scrutiny) or actions taken in connection with the discharge of any of the Council's functions;~~
- ~~to review existing policy and strategy with a view to securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;~~
- ~~to make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;~~
- ~~to review and/or scrutinise any matter affecting the area or its inhabitants;~~
- to discuss initiatives put forward for consideration by individual members of the Committee and any relevant 'call-for-action' in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution; and
- to consider petitions referred to the Overview and Scrutiny Committee in accordance with provisions set out in the Petition Scheme set out in Part 4 of this Constitution.

## **7.45 Specific Functions and Responsibilities**

The Overview and Scrutiny Committee will have the following scrutiny functions and responsibilities.

### **Performance Management**

- (1) to review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas; (amalgam of term from section above and section below)
- (2) to undertake performance reviews of the Council's functions as appropriate and prepare reports for the Cabinet and the Council; *(moved from section below)*
- (3) to monitor and review the outcomes of performance and process reviews and make further recommendations where necessary *(moved from section below)*
- (4) to review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to report on their activities and performance (moved from section below)

### **Review of Existing Policy**

- ~~(4)~~(5) to review existing policy and strategy with a view to securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness (moved from section above)
- (6) to undertake the following types of activity to support a review:
  - conduct research and consultation
  - question Cabinet Members, Committee Chairmen and chief officers about their views on issues and proposals affecting the area; and
  - liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

### **Decisions**

- (7) To review or scrutinise the following:
  - Decisions proposed to be made (pre-decision scrutiny) in connection with the discharge of any of the Council's functions; (moved from section above)

- Decisions made, or other actions taken, in connection with the discharge of any of the Council's functions; (moved from section above)
  - Decisions made by the Cabinet and officers both in relation to individual decisions and decisions on on-going issues:
- (8) to exercise the right to 'call-in', for reconsideration, decisions made by the Executive or key decisions taken by an officer but not yet implemented.
- (9) Require Cabinet Members and senior officers to attend and answer questions about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects; or in relation to the portfolios of the Leader or of lead councillors.
- (10) Question and gather evidence and information from any person (with their consent) or external or partner organisations.
- (11) to make reports and/or recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- (12) to make reports and/or recommendations to the Cabinet/and or Council on matters which affect the Rushmoor area or its inhabitants.

#### **Other**

- (13) Further to discussion at the Programme Management Group to consider items raised by Members and via the Councillor Call for Action procedure.

#### **Integrated in re-ordered Functions and Responsibilities** Performance Management and Review

~~The Overview and Scrutiny Committee will make arrangements to:~~

- ~~• review and scrutinise the performance of the Council in relation to its policy and budgetary objectives, performance targets and/or particular service areas;~~
- ~~• undertake performance reviews of the Council's functions as appropriate and prepare appropriate reports for the Cabinet and the Council;~~
- ~~• monitor and review the outcomes of performance and process reviews and make further recommendations where necessary; and~~



- ~~consider the policy implications arising from reviews for other functions and services.~~

### Policy Review

~~The Overview and Scrutiny Committee may:~~

- ~~conduct research and community and other consultations as part of carrying out reviews of existing policies and strategies;~~
- ~~question Cabinet Members, Committee Chairmen and chief officers about their views on issues and proposals affecting the area; and~~
- ~~liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.~~

## 7.56 Powers

The Overview and Scrutiny Committee can:

- Submit reports and make recommendations to the Cabinet or Council on anything the Council is responsible for or anything that affects the Borough or its residents
- Consider decisions that have been called in and ask for them to be looked at again by the Cabinet
- Monitor the Cabinet's work programme and call for reports on items that are coming up
- Require Senior Officers ~~(see table)~~, and Cabinet Members to attend meetings and answer questions
- Hold public inquiries
- Invite people to meetings and gather evidence from them
- Establish standing and task and finish groups to do work and make recommendations

## 7.67 Meetings

There shall normally be seven scheduled meetings of the Overview and Scrutiny Committee in each year. Additional meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee may be called by the Chair~~man~~, by one-third of the voting members of the Committee or by the Managing Director ~~Chief Executive~~.

The Committee shall meet to review or scrutinise matters in connection with the discharge by the responsible authorities of their crime and disorder functions at least once in a twelve-month period.

## 7.7 Quorum

The quorum for the Overview and Scrutiny Committee shall be 50% of the voting members of the Committee (at least six Members).

## **7.8 Absence of Chairman**

In the absence from a meeting of the Chair and Vice-Chair, a Chair for that meeting will be appointed.

## **7.98 Vacancies**

On a vacancy arising, the Committee will be asked to fill the vacancy at its next meeting.

## **7.109 Annual Report**

The Overview and Scrutiny Committee shall report annually to the full Council on the outcomes of its work for the year.

## **7.110 Including Items on the Agenda and the Work Programme**

Any Member shall have the right to propose an item which is relevant to the Committee's functions to be included on the Committee's agenda. On receipt of such a request, the Corporate Manager – Democracy will advise the Chairman and ensure that it is included for discussion at the next meeting of the Programme Management Progress Group (see paragraph 7.14 below) for consideration as part of the Committee's programme of work.

With the agreement of the Committee, a Member of the Council (who is not a Member of the Overview and Scrutiny Committee) can be invited to take part in discussions at a Committee meeting on an item of business under consideration.

All Members of the Council have rights under 'Call for Action' to ask for items to be considered by the Committee as set out in the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution.

### Work Programme

~~The Overview and Scrutiny Committee will be responsible for setting its own work programme and shall take into account the wishes of councillors who are not members of the largest political group on the Council.~~

~~The Committee's work programme should be guided by the Council's agreed priorities as set out in the Council Business Plan or long-term vision.~~

~~—The overall work programme should take account of:~~

~~Whether the proposed work furthers corporate priorities~~  
~~The likelihood of something significant or valuable coming from the work~~  
~~The importance of the issue for users and the public generally~~  
~~Whether there is evidence of user dissatisfaction with the service~~  
~~Issues raised through audit or inspections~~  
~~Whether there is a high level of budgetary commitment to the service~~  
~~Public interest covered in the local media~~

~~A Joint Meeting between the Chairmen and Vice Chairmen of the Overview and Scrutiny Committee and the Policy and Project Advisory Board will be held at least annually to co-ordinate work programmes between the two bodies and to avoid duplication.~~

#### **7.4211 Task and Finish Groups**

The Overview and Scrutiny Committee will have responsibility for establishing such task and finish groups as it considers necessary to assist it in discharging its functions. The terms of reference and working arrangements for each task and finish Group will be determined by the Committee.

Task and finish groups should be reviewed annually and be time-limited.

The Vice-Chair(s) of the Overview and Scrutiny Committee will normally chair task and finish groups and lead specific projects.

All Members, whether or not they are members of the Committee, may be appointed to a task and finish group.

The Committee should adopt a project management approach to any in-depth review of existing Council policy:

- Consider setting up a task and finish group
- Identify a Lead Member for the Review
- Agree terms of reference and objectives for the work
- Agree a project plan to include timescales, who will participate, how evidence will be collected, the key issues/question to be addressed.
- Preparation of a final report with recommendations

#### **7.4312 Proceedings of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee's proceedings for carrying out scrutiny, making formal reports and Call-in is set out in the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution.

#### **7.4413 Programme Management Group ~~Progress Meetings~~**

The Chairs and representatives of the ~~man and Vice-Chairman of the~~ Overview and Scrutiny Committee, Policy and Project Advisory Board, and

Audit and Governance Committee, including ~~together with~~ cross-party representatives will meet regularly between meetings to ~~develop, manage and update~~ co-ordinate the Committee's work programme across the three bodies to avoid duplication and make best use of resources, ~~plan agendas and co-ordinate task and finish groups.~~

## **SECTION 7: TERMS OF REFERENCE OF THE OVERVIEW AND SCRUTINY COMMITTEE**

### **Overview and Scrutiny Committee**

- 7.1 The Council has one Overview and Scrutiny Committee. This Committee is also the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006.

The Overview and Scrutiny Procedure Rules for the discharge of the Committee's functions under Section 9F of the Local Government Act 2000 are set out in Part 4 of the Constitution.

### **7.2 Composition**

The arrangements with respect to the composition of the Overview and Scrutiny Committee will be as follows:

- The Committee will have a maximum of eleven non-executive councillors, and in accordance with the provisions of the Local Government Housing Act 1989, will reflect the political balance of the Council.
- The Committee will be able to appoint up to two Vice-Chairs, drawn from those councillors serving on the Committee, to lead on specific projects and to chair task and finish groups. The Chair will be appointed at the Annual Meeting of the Council for the ensuing year.
- Cabinet Members will be expected to attend the Committee, and task and finish groups appointed by the Committee, when invited, to contribute on matters that relate to their portfolio.
- The Committee will be able to co-opt external representatives or appoint advisers, as it sees fit in a non-voting capacity.

Membership of both the Overview and Scrutiny Committee and the Policy and Project Advisory Board does not inevitably create a conflict of interest.

Councillors and co-optees may not be involved in scrutinising a decision in which they have been involved directly.

### **7.3 Work Programme and co-ordination with other bodies**

The Overview and Scrutiny Committee's work programme shall be developed by the Committee and in co-ordination with the work programmes of the Policy and Project Advisory Board (PPAB), and the Audit and Governance Committee (AGC).

The co-ordination reflects that some roles of overview and scrutiny are shared with other committees. The 'policy development' role of overview and scrutiny

is undertaken by the Policy and Project Advisory Board, and responsibility for scrutinising the Council's framework of internal controls and assurance for managing risk and overall activity rests with the Audit and Governance Committee.

To co-ordinate work programmes, a cross-party Programme Management Group with representatives from the three committees (PPAB, OSC and AGC) will have collective oversight of work plans to help avoid duplication and make best use of resources.

The Committee's overall work programme should take account of:

- Whether the proposed work furthers corporate priorities
- The likelihood of something significant or valuable coming from the work
- The importance of the issue for users and the public generally
- Whether there is evidence of user dissatisfaction with the service
- Issues raised through audit or inspections
- Whether there is a high level of budgetary commitment to the service
- Public interest covered in the local media

The work programme shall take into account the wishes of councillors who are not members of the largest political group on the Council.

Regular meetings between the Chair and lead officer will be held to discuss the Committee's work programme.

The Committee's work programme shall be included on the agenda of each ordinary meeting of the Overview and Scrutiny Committee.

#### **7.4 General Terms of Reference**

The general terms of reference of the Overview and Scrutiny Committee are set out below:

- to develop a work programme, and which is co-ordinated with the work programmes of the Policy and Project Advisory Board, and the Audit and Governance Committee which ensures that the Committee's time is effectively and efficiently utilised;
- to appoint such formal sub-committees and informal task and finish groups as appropriate to deliver its planned work programme and fulfil its overview and scrutiny functions;
- to undertake investigations into such matters relating to the Council's functions and powers as:
  - may be referred by the Council, Committees, the Cabinet, or the Leader; or

- the Committee may consider appropriate as part of a co-ordinated work programme; or
- have been referred to the Committee pursuant to the “call-in” procedure set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution. (These can be decisions taken by the Cabinet, a Cabinet Member, key decisions taken by an officer or under joint arrangements);
- to discuss initiatives put forward for consideration by individual members of the Committee and any relevant ‘call-for-action’ in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution; and
- to consider petitions referred to the Overview and Scrutiny Committee in accordance with provisions set out in the Petition Scheme set out in Part 4 of this Constitution.

## **7.5 Functions and Responsibilities**

The Overview and Scrutiny Committee will have the following scrutiny functions and responsibilities.

### **Performance Management**

- (1) to review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (2) to undertake performance reviews of the Council’s functions as appropriate and prepare reports for the Cabinet and the Council;
- (3) to monitor and review the outcomes of performance and process reviews and make further recommendations where necessary
- (4) to review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to report on their activities and performance

### **Review of Existing Policy**

- (5) to review existing policy and strategy with a view to securing continuous improvement in the way in which the Council’s functions are exercised, having regard to a combination of economy, efficiency and effectiveness
- (6) to undertake the following types of activity to support a review:
  - conduct research and consultation

- question Cabinet Members, Committee Chairs and chief officers about their views on issues and proposals affecting the area; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

## **Decisions**

- (7) To review or scrutinise the following:
  - Decisions proposed to be made (pre-decision scrutiny) in connection with the discharge of any of the Council's functions;
  - Decisions made, or other actions taken, in connection with the discharge of any of the Council's functions;
  - Decisions made by the Cabinet and officers both in relation to individual decisions and decisions on on-going issues:
- (8) to exercise the right to 'call-in', for reconsideration, decisions made by the Executive or key decisions taken by an officer but not yet implemented.
- (9) Require Cabinet Members and senior officers to attend and answer questions about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects; or in relation to the portfolios of the Leader or of lead councillors.
- (10) Question and gather evidence and information from any person (with their consent) or external or partner organisations.
- (11) to make reports and/or recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- (12) to make reports and/or recommendations to the Cabinet/and or Council on matters which affect the Rushmoor area or its inhabitants.

## **Other**

- (13) Further to discussion at the Programme Management Group to consider items raised by Members and via the Councillor Call for Action procedure.



## **7.6 Powers**

The Overview and Scrutiny Committee can:

- Submit reports and make recommendations to the Cabinet or Council on anything the Council is responsible for or anything that affects the Borough or its residents
- Consider decisions that have been called in and ask for them to be looked at again by the Cabinet
- Monitor the Cabinet's work programme and call for reports on items that are coming up
- Require Senior Officers, and Cabinet Members to attend meetings and answer questions
- Hold public inquiries
- Invite people to meetings and gather evidence from them
- Establish standing and task and finish groups to do work and make recommendations

## **7.7 Meetings**

There shall normally be seven scheduled meetings of the Overview and Scrutiny Committee in each year. Additional meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee may be called by the Chair, by one-third of the voting members of the Committee or by the Managing Director.

The Committee shall meet to review or scrutinise matters in connection with the discharge by the responsible authorities of their crime and disorder functions at least once in a twelve-month period.

## **7.8 Quorum**

The quorum for the Overview and Scrutiny Committee shall be 50% of the voting members of the Committee (at least six Members).

## **7.9 Absence of Chairman**

In the absence from a meeting of the Chair and Vice-Chair, a Chair for that meeting will be appointed.

## **7.10 Vacancies**

On a vacancy arising, the Committee will be asked to fill the vacancy at its next meeting.

## **7.11 Annual Report**

The Overview and Scrutiny Committee shall report annually to the full Council on the outcomes of its work for the year.

## **7.12 Including Items on the Agenda and the Work Programme**

Any Member shall have the right to propose an item which is relevant to the Committee's functions to be included on the Committee's agenda. On receipt of such a request, the Corporate Manager – Democracy will advise the Chair and ensure that it is included for discussion at the next meeting of the Programme Management Group (see paragraph 7.14 below) for consideration as part of the Committee's programme of work.

With the agreement of the Committee, a Member of the Council (who is not a Member of the Overview and Scrutiny Committee) can be invited to take part in discussions at a Committee meeting on an item of business under consideration.

All Members of the Council have rights under 'Call for Action' to ask for items to be considered by the Committee as set out in the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution.

## **7.13 Task and Finish Groups**

The Overview and Scrutiny Committee will have responsibility for establishing such task and finish groups as it considers necessary to assist it in discharging its functions. The terms of reference and working arrangements for each task and finish Group will be determined by the Committee.

Task and finish groups should be reviewed annually and be time-limited.

The Vice-Chair(s) of the Overview and Scrutiny Committee will normally chair task and finish groups and lead specific projects.

All Members, whether or not they are members of the Committee, may be appointed to a task and finish group.

The Committee should adopt a project management approach to any in-depth review of existing Council policy:

- Consider setting up a task and finish group
- Identify a Lead Member for the Review
- Agree terms of reference and objectives for the work
- Agree a project plan to include timescales, who will participate, how evidence will be collected, the key issues/question to be addressed.
- Preparation of a final report with recommendations

## **7.14 Proceedings of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee's proceedings for carrying out scrutiny, making formal reports and Call-in is set out in the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution.

#### **7.15 Programme Management Group**

The Chairs and representatives of the Overview and Scrutiny Committee, Policy and Project Advisory Board, and Audit and Governance Committee, including cross-party representatives will meet regularly between meetings to co-ordinate the Committee's work programme across the three bodies to avoid duplication and make best use of resources

## SECTION 8: TERMS OF REFERENCE OF POLICY AND PROJECT ADVISORY BOARD

### Policy and Project Advisory Board

- 8.1 The Council will appoint a Policy and Project Advisory Board to act as a source of policy and project support advice to the Cabinet and the Council. The main role of the Board is to support advise the Cabinet with policy development on matters about the formulation and development of policies and projects that will help deliver Council Plan priorities. The Board will be advisory in nature and will not have any substantive decision-making powers delegated to it.

### Composition

- 8.2 The arrangements with respect to the composition of the Policy and Project Advisory Board will be as follows:
- The Board will have a maximum of eleven non-executive councillors and, in accordance with the provisions of the Local Government Housing Act 1989, will reflect the political balance of the Council.
  - The Board will be able to appoint up to two Vice-Chairsmen, drawn from those councillors serving on the Board, to lead on specific projects and to chair task and finish groups. The Chairman will be appointed at the Annual Meeting of the Council for the ensuing year.
  - Cabinet Members will be expected to attend the Board and task and finish groups appointed by the Board, as appropriate, to contribute on matters that relate to their portfolio.
  - The Board will be able to co-opt external representatives or appoint advisers as it sees fit in a non-voting capacity.

Membership of both the Policy and Project Advisory Board and the Overview and Scrutiny Committee does not inevitably create a conflict of interest. As a rule, councillors should not be involved in scrutinising a decision in which they have been involved directly, but the Board is advisory and it remains the responsibility of the Cabinet to formally take and implement decisions.

8.3 Work Programme and co-ordination with other bodies

The Policy and Project Advisory Board's work programme shall be developed by the Board and in co-ordination with the work programmes of the Overview and Scrutiny Committee (OSC), and the Audit and Governance Committee (AGC).

To co-ordinate work programmes, a cross-party Programme Management Group with representatives from the three committees (PPAB, OSC and AGC) will have

collective oversight of work plans to help avoid duplication and make best use of resources.

The Board's work programming shall engage with the Cabinet Work Programme and Council Plan priorities.

The work programme shall take into account the wishes of councillors who are not members of the largest political group on the Council.

Regular meetings between the Chair and lead officer will be held to discuss the Board's work programme.

The Board's work programme shall be included on the agenda of each Board meeting.

## **8.43 Terms of Reference**

The general terms of reference of the Policy and Project Advisory Board are:

- ~~to provide assist and advise the Cabinet in policy and project the development of Policy Framework issues support to the Cabinet and Council which helps to deliver Council Plan priorities. This may include consideration of how policies and service provision is framed based on resident need/demand, pressures and constraints, and risks and other strategic factors~~
- to undertake research, consultation and reviews for the purpose of advising the Cabinet on the delivery of priorities in the Council Plan (usually through the task and finish groups)
- ~~to advise the Cabinet at an early stage in respect of the formulation and development of policies and projects that will help to deliver Council Plan priorities~~
- to assist the Cabinet in reaching decisions on specific issues
- to assist and advise the Cabinet on budget preparation
- to develop and maintain a work programme, in co-ordination with OSC and AGC, which engages with the Cabinet Work Programme and -ensurages that there is efficient use of time

The powers of the Policy and Project Advisory Board are:

- to require the Leader and/or portfolio holders and senior officers to attend meetings to answer questions
- to question and gather evidence from any person (with their consent)
- to co-opt expert individuals on a non-voting basis to assist the Board's work
- to set up task and finish groups to look at specific issues relating to the delivery of the Council Plan or other significant priorities in order to inform decision making by the Cabinet.

## **8.5 Meetings**

The Policy and Project Advisory Board shall have six scheduled meetings annually. Additional meetings may be called as and when required. A Board meeting may be called by the Chair~~man~~, by one-third of the voting Members of the Board or by the Managing Director ~~Chief Executive~~.

All meetings of the Policy and Project Advisory Board shall be open to the public to attend except where the item under discussion is considered exempt under Schedule 12A of the Local Government Act 1972 or is confidential under Section 100A of the Local Government Act 1972.

The Chair~~man~~ will preside at meetings of the Board. In the absence of the Chair~~man~~, a Vice-Chair~~man~~ will take the chair.

#### 8.6 **Quorum**

The quorum for the Policy and Project Advisory Board shall be 50% of the voting members of the Board (at least six Members).

#### 8.7 **Absence of Chairman**

In the absence from a meeting of the Chair~~man~~ and Vice-Chair~~man~~, a Chair~~man~~ for that meeting will be appointed.

#### 8.8 **Vacancies**

On a vacancy arising, the Board will be asked to fill the vacancy at its next meeting.

#### 8.9 **Including items on the Agenda and the Work Programme**

Any Member shall have the right to ask for an item which is relevant to the Board's functions to be included on the Board's agenda. On receipt of such a request, the Corporate Manager – Democracy will advise the Chair~~man~~ and ensure that it is included for discussion at the next meeting of the Programme Management Group ~~Progress Group~~, with a view to it being included on the next appropriate agenda taking into account the Board's work programme. The Member in question shall be invited to attend the meeting.

With the agreement of the Board, a Member of the Council (who is not a Member of the Board) can be invited to take part in discussions at a meeting of the Policy and Project Advisory Board on an item of business under consideration.

Work Programme – Moved up to Para 8.3

~~The Policy and Project Advisory Board will be responsible for setting its own work programme and shall take into account the wishes of councillors who are not Members of the largest political group on the Council.~~

~~The Board's work programme should be guided by the Council's agreed priorities as set out in the Council Business Plan or long-term vision.~~

~~A Joint Meeting between the Chairmen and Vice-Chairmen of the Policy and Project Advisory Board and the Overview and Scrutiny Committee will be held at least annually to co-ordinate work programmes and avoid duplication.~~

#### 8.10 Task and Finish Groups

The Policy and Project Advisory Board will have responsibility for establishing such task and finish groups as it considers necessary to assist it in discharging its functions. The terms of reference and working arrangements for each task and finish group will be determined by the Board.

Task and finish groups should be reviewed annually and be time-limited.

The Vice-Chair~~man~~ of the Policy and Project Advisory Board will normally chair task and finish groups and lead specific projects.

All Members, whether or not they are members of the Board, may be appointed to a task and finish group.

#### 8.11 ~~Progress Meetings~~ Programme Management Group

The Chair~~s~~ and representatives of the ~~man and Vice-Chairman of the~~ Policy and Project Advisory Board, Overview and Scrutiny Committee and Audit and Governance Committee ~~together with~~ including cross-party representatives, will meet regularly between meetings to co-ordinate ~~develop, manage and update~~ the ~~Board's~~ work programmes across the three bodies to avoid duplication and make best use of resources. ~~, plan agendas and co-ordinate task and finish groups.~~

## **SECTION 8: TERMS OF REFERENCE OF POLICY AND PROJECT ADVISORY BOARD**

### **Policy and Project Advisory Board**

- 8.1 The Council will appoint a Policy and Project Advisory Board to act as a source of policy and project support to the Cabinet and the Council. The main role of the Board is to support the Cabinet with policy development on matters that will help deliver Council Plan priorities. The Board will be advisory in nature and will not have any substantive decision-making powers delegated to it.

### **Composition**

- 8.2 The arrangements with respect to the composition of the Policy and Project Advisory Board will be as follows:
- The Board will have a maximum of eleven non-executive councillors and, in accordance with the provisions of the Local Government Housing Act 1989, will reflect the political balance of the Council.
  - The Board will be able to appoint up to two Vice-Chairs, drawn from those councillors serving on the Board, to lead on specific projects and to chair task and finish groups. The Chair will be appointed at the Annual Meeting of the Council for the ensuing year.
  - Cabinet Members will be expected to attend the Board and task and finish groups appointed by the Board, as appropriate, to contribute on matters that relate to their portfolio.
  - The Board will be able to co-opt external representatives or appoint advisers as it sees fit in a non-voting capacity.

Membership of both the Policy and Project Advisory Board and the Overview and Scrutiny Committee does not inevitably create a conflict of interest. As a rule, councillors should not be involved in scrutinising a decision in which they have been involved directly, but the Board is advisory and it remains the responsibility of the Cabinet to formally take and implement decisions.

### **8.3 Work Programme and co-ordination with other bodies**

The Policy and Project Advisory Board's work programme shall be developed by the Board and in co-ordination with the work programmes of the Overview and Scrutiny Committee (OSC), and the Audit and Governance Committee (AGC).

To co-ordinate work programmes, a cross-party Programme Management Group with representatives from the three committees (PPAB, OSC and AGC) will have collective oversight of work plans to help avoid duplication and make best use of resources.



The Board's work programming shall engage with the Cabinet Work Programme and Council Plan priorities.

The work programme shall take into account the wishes of councillors who are not members of the largest political group on the Council.

Regular meetings between the Chair and lead officer will be held to discuss the Board's work programme.

The Board's work programme shall be included on the agenda of each Board meeting.

#### **8.4 Terms of Reference**

The general terms of reference of the Policy and Project Advisory Board are:

- to provide policy and project support to the Cabinet and Council which helps to deliver Council Plan priorities. This may include consideration of how policies and service provision is framed based on resident need/demand, pressures and constraints, and risks and other strategic factors
- to undertake research, consultation and reviews for the purpose of advising the Cabinet on the delivery of priorities in the Council Plan (usually through the task and finish groups)
- to assist the Cabinet in reaching decisions on specific issues
- to assist and advise the Cabinet on budget preparation
- to develop and maintain a work programme, in co-ordination with OSC and AGC, which engages with the Cabinet Work Programme and ensures that there is efficient use of time

The powers of the Policy and Project Advisory Board are:

- to require the Leader and/or portfolio holders and senior officers to attend meetings to answer questions
- to question and gather evidence from any person (with their consent)
- to co-opt expert individuals on a non-voting basis to assist the Board's work
- to set up task and finish groups to look at specific issues relating to the delivery of the Council Plan or other significant priorities in order to inform decision making by the Cabinet.

#### **8.5 Meetings**

The Policy and Project Advisory Board shall have six scheduled meetings annually. Additional meetings may be called as and when required. A Board meeting may be called by the Chair, by one-third of the voting Members of the Board or by the Managing Director.

All meetings of the Policy and Project Advisory Board shall be open to the public to attend except where the item under discussion is considered exempt under Schedule 12A of the Local Government Act 1972 or is confidential under Section 100A of the Local Government Act 1972.

The Chair will preside at meetings of the Board. In the absence of the Chair, a Vice-Chair will take the chair.

#### **8.6 Quorum**

The quorum for the Policy and Project Advisory Board shall be 50% of the voting members of the Board (at least six Members).

#### **8.7 Absence of Chairman**

In the absence from a meeting of the Chair and Vice-Chair, a Chair for that meeting will be appointed.

#### **8.8 Vacancies**

On a vacancy arising, the Board will be asked to fill the vacancy at its next meeting.

#### **8.9 Including items on the Agenda and the Work Programme**

Any Member shall have the right to ask for an item which is relevant to the Board's functions to be included on the Board's agenda. On receipt of such a request, the Corporate Manager – Democracy will advise the Chair and ensure that it is included for discussion at the next meeting of the Programme Management Group, with a view to it being included on the next appropriate agenda taking into account the Board's work programme. The Member in question shall be invited to attend the meeting.

With the agreement of the Board, a Member of the Council (who is not a Member of the Board) can be invited to take part in discussions at a meeting of the Policy and Project Advisory Board on an item of business under consideration.

#### **8.10 Task and Finish Groups**

The Policy and Project Advisory Board will have responsibility for establishing such task and finish groups as it considers necessary to assist it in discharging its functions. The terms of reference and working arrangements for each task and finish group will be determined by the Board.

Task and finish groups should be reviewed annually and be time-limited.

The Vice-Chair of the Policy and Project Advisory Board will normally chair task and finish groups and lead specific projects.

All Members, whether or not they are members of the Board, may be appointed to a task and finish group.

### 8.11 **Programme Management Group**

The Chairs and representatives of the Policy and Project Advisory Board, Overview and Scrutiny Committee and Audit and Governance Committee including cross-party representatives, will meet regularly between meetings to co-ordinate the work programmes across the three bodies to avoid duplication and make best use of resources.