

Council Report

Ward(s) affected: n/a

Report of Director of Finance

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Appointment of Committees: 2019-20

Recommendation to Council:

- (1) That, for the municipal year 2019-20, the Council agrees to appoint the committees referred to in the table set out in paragraph 4.1 of this report, and agrees their respective size referred to therein and the proposed terms of reference, as indicated in Appendix 1 to this report.
- (2) That the Licensing Committee shall be politically balanced.
- (3) That the following Sub-Committees shall not be politically balanced:
 - Licensing Sub-Committee
 - Licensing Regulatory Sub-Committee

(NB. In paragraph (3) above, the relaxation of the requirement for political balance applying to the sub-committees may only be implemented if there are no votes cast against the motion to adopt this paragraph of the recommendation)
- (4) That the numerical allocation of seats to each political group on the Council, as shown on a schedule to be submitted to the Council, be approved.
- (5) That the nominations for membership and substitute membership (where applicable) of the committees, Executive Advisory Boards, and the Guildford Joint Committee, for the 2019-20 municipal year, as shown on a schedule to be submitted to the Council, be approved in accordance with the wishes of the political groups.
- (6) That the nominations for election of chairmen and vice-chairmen of committees (including Executive Advisory Boards) and relevant sub-committees for the 2019-20 municipal year, as shown on a schedule to be submitted to the Council, be adopted.
- (7) That the Council appoints a councillor to be Chairman of the Guildford Joint Committee for the 2019-20 municipal year.
- (8) That, in relation to the working groups established by the Guildford Joint Committee in 2018, namely, the Parking and Air Quality Working Group and Infrastructure Delivery and Transportation Working Group, the Council appoints

four councillors to each Working Group from the ten councillors appointed to the Guildford Joint Committee pending confirmation of the working group appointments by the Joint Committee at its next meeting on 3 July 2019.

- (9) That the Council re-appoints Charles Hope (West Horsley Parish Council), Gerry Reffo (Shere Parish Council) and Ian Symes (Effingham Parish Council) as parish members on the Corporate Governance and Standards Committee for a period up to the appointment of their successors.
- (10) That the Council appoints, having regard to the person specification attached as Appendix 2 to this report, a councillor representative to the Surrey Police and Crime Panel for a term of office expiring in May 2023.
- (11) That the Council appoints councillor Champions for 2019-20 as follows:
 - Armed Forces Champion
 - Historic Environment and Design Champion
 - Older Persons' Champion

Reasons for Recommendation:

- To comply with Council Procedure Rules 23 and 29 of the Constitution in respect of the appointment of committees and election of chairmen and vice-chairmen
- To enable the Council to comply with its obligations under the Local Government and Housing Act 1989 in respect of the political proportionality on its committees.
- To enable the Council to comply with the requirements of the Police Reform and Social Responsibility Act 2011.

1. Purpose of report

1.1 This report asks the Council:

- (a) to appoint a number of committees to discharge various non-executive functions and to agree their respective size, terms of reference, and numerical allocation of seats to political groups;
- (b) to appoint councillors to those committees in accordance with the statutory requirements for political balance;
- (c) to elect committee and sub-committee chairmen and vice-chairmen, as appropriate; and
- (d) to agree various other appointments.

2. Background

2.1 Council Procedure Rule 23 (a) requires the Council, at its Selection meeting each year, to appoint such committees as it shall determine and to agree their respective size and terms of reference.

2.2 Except in relation to the Licensing Committee and its sub-committees where the Council has absolute discretion as to whether they are politically balanced, the

membership of each of the Council's committees and sub-committees shall be in accordance with statutory requirements for political balance. As far as possible, the number of seats allocated to a political group on committees and sub-committees will reflect the size of that group in proportion to the total Council membership.

- 2.3 Under Council Procedure Rule 23, the Council is required to review the allocation of seats on committees to political groups at its Selection meeting and as soon as reasonably practicable following any change in the political constitution of the Council or as otherwise required by statute. Wherever such a review is required, the Democratic Services Manager will submit a report to the Council showing what allocation of seats would best meet the requirements for political balance.

3. Political Composition of the Council

- 3.1 Following the count in respect of the Borough Council elections held on 2 May 2019, the political composition of the Council is now:

Liberal Democrats:	17
Residents for Guildford and Villages:	15
Conservatives:	9
Guildford Greenbelt Group:	4
Labour:	2
Green Party:	1

Political Groups

- 3.2 A political group has to consist of at least two councillors and must be formally constituted in accordance with Regulations. Details of the various political groups and their individual memberships will be reported at the Council meeting.

4. Appointment of Committees

- 4.1 Under Council Procedure Rule 23 (g), the Council is invited to appoint the following committees in the manner specified in the table below:

Committee	No. of voting members of Committee	No. of substitute members of Committee	No. of co-opted (non-voting) members
Community Executive Advisory Board	12 councillors (non-Executive)	Up to 7 councillors per political group	None
Corporate Governance and Standards Committee	7 councillors ¹	Up to 3 councillors per political group	3 independent members and 3 parish members ²
Employment Committee	3 councillors ³	Up to 4 councillors per political group	None
Guildford Joint Committee	10 councillors ⁴	None	None
Licensing Committee	15 councillors	None	None

¹ who may include one member of the Executive except the lead councillor whose portfolio includes finance and resources. Neither the Leader nor Deputy Leader may be a member or substitute member of this Committee

² At its meeting held on 9 April 2019, the Council appointed two of the three Independent Members of the Corporate Governance and Standards. The three parish members will be appointed formally, for a four year term ending May 2023, at the Council meeting on 23 July 2019 (see paragraph 7 below)

³ including at least one member of the Executive

⁴ The Joint Committee comprises 10 Surrey County Councillors (representing each of the 10 county divisions within the borough) and 10 Borough Councillors (at least one of whom must be a member of the Executive)

Committee	No. of voting members of Committee	No. of substitute members of Committee	No. of co-opted (non-voting) members
Overview and Scrutiny Committee	12 councillors (non-Executive)	Unlimited ⁵	None
Place Making & Innovation Executive Advisory Board	12 councillors (non-Executive)	Up to 7 councillors per political group	None
Planning Committee	15 councillors	Up to 5 councillors per political group	None

4.2 Where applicable, the committees will appoint their respective sub-committees. The Council is also invited to consider and approve the terms of reference of these committees for 2018-19, details of which are set out in **Appendix 1** to this report.

5. Requirement for political balance and numerical allocation of seats on committees

5.1 Section 15 of the Local Government and Housing Act 1989 sets out how committees must be constituted when the Council is divided into one or more political groups. The Council must give effect, *as far as reasonably practicable*, to the following four principles in constituting its committees or sub-committees:

- where there is more than one political group, all the seats must not be allocated to the same political group
- the majority of seats must be allocated to the political group with the majority on the Council
- the number of seats on each individual Committee or sub-committee of the Council allocated to each political group bears the same proportion on the full Council.
- the number of seats on the total of all the Committees or sub-committees allocated to each political group should bear the same proportion to the proportions on the full Council

5.2 Details of the numerical allocation of seats on the committees to the political groups, together with each group's nominations to fill those seats (and substitutes where appropriate) will be included on the Order Paper circulated to all councillors prior to the Council meeting.

5.3 Whenever, during the course of the year, an appointment of a member or substitute member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated or whenever such an appointment falls to be terminated in accordance with such wishes, the Managing Director shall make or terminate such appointments in accordance with the wishes of that political group. The wishes of a political group are taken to be those expressed to the Managing Director in writing by (a) the leader of the political group or (b) in a statement to the Managing Director supported in writing by a majority of the members of that group. In the event that different wishes of a political group are notified in accordance with (a) and (b) above, the wishes notified in accordance with (b) shall prevail. No member of a committee shall be appointed so as to hold office later than the next annual meeting of the Council (i.e. May 2020).

5.4 The Council is also asked to agree that although political balance requirements should apply to the Licensing Committee, such requirements need not apply in respect of the Licensing Sub-Committee and Licensing Regulatory Sub-Committee,

⁵ provided that none are Executive members (or Deputy Lead Councillors)

given that each Sub-Committee comprises just three councillors. Given the quasi-judicial nature of the sub-committees and the requirement to convene hearings before the sub-committees often at short notice, the Council has previously taken the view that political balance should not apply. However, the relaxation of the requirement for political balance applying to the two sub-committees may only be implemented if there are no votes cast against the motion to adopt this principle for 2018-19.

Allocation of seats to a councillor who is not a member of a political group

- 5.5 There is no strict entitlement calculation applicable to councillors who are not members of a political group; however, following the calculations and allocation of seats to political groups, the Council may exercise its discretion by appointing the non-grouped member (Councillor Diana Jones) to any seats not otherwise allocated, provided that no councillor votes against the proposal.

6. Election of chairmen and vice-chairmen of committees and sub-committees

- 6.1 At the Selection Meeting each year, and following the appointment of committees, Council Procedure Rule 29 requires the Council to elect the chairmen and vice-chairmen of all committees, including the executive advisory boards, and any sub-committees of those committees for the ensuing municipal year. Nominations for election of committee and sub-committee chairmen and vice-chairmen shall be submitted to the Democratic Services Manager in advance of the Selection Meeting at the same time as nominations are submitted for appointments to committees.
- 6.2 Details of nominations received in respect of the election of committee and sub-committee chairmen and vice-chairmen will also be set out in the Order Paper for the meeting.

Guildford Joint Committee

- 6.3 In July 2018, the Council, together with Surrey County Council, established the Guildford Joint Committee to replace the former Guildford Local Committee. The Joint Committee's terms of reference includes a number of executive and non-executive functions of both councils; and the membership comprises the ten Surrey County Councillors (representing each of the ten county divisions within the borough) and ten Borough Councillors (at least one of whom must be a member of the Executive). Under the Constitution of the Joint Committee, from the 2019-20 Municipal Year, the chairman shall be a Borough Councillor and vice-chairman a County Councillor, with the offices of chairman and vice-chairman then alternating between the two councils each subsequent year. The Council is therefore asked to appoint the chairman of the Guildford Joint Committee for 2019-20.
- 6.4 The Joint Committee established two working groups in 2018, namely, the Parking and Air Quality Working Group and Infrastructure Delivery and Transportation Working Group. This Council appointed four of its councillors to each Working Group, and the Council is invited to appoint, from the ten councillors appointed to the Guildford Joint Committee, four councillors to each working group pending confirmation of the appointments by the Joint Committee at its next meeting on 3 July 2019.

7. Co-opted Parish Members of the Corporate Governance and Standards Committee

- 7.1 Article 10 of the Council's Constitution provides that the membership of the Corporate Governance and Standards Committee shall include three co-opted (non-voting) parish

members, each of whom is appointed for a four year term coinciding with councillors' term of office.

7.2 Parish councils have recently been invited to nominate parish councillors as co-opted parish members on the Committee for the next four-year term to May 2023. Where there are up to three nominations received, the Council shall consider their formal co-option to the Committee at its meeting on 23 July 2019. If there are more than three nominations, a ballot of parish councils shall be held and the results reported to Council, again on 23 July. Serving parish members are eligible to put themselves forward for re-appointment.

7.3 As there is a meeting of the Corporate Governance & Standards Committee scheduled for 13 June 2019, all three of our former parish members, namely Charles Hope (West Horsley Parish Council), Gerry Reffo (Shere Parish Council) and Ian Symes (Effingham Parish Council), who were re-elected to their respective parish councils, have been asked whether they would be happy to continue as parish members (at least) up to 23 July, pending the appointment of their successors. All three have agreed, which means that, subject to the Council's approval, they can attend in that capacity at the Committee meeting on 13 June.

8. Surrey Police and Crime Panel

8.1 The role of the Surrey Police and Crime Panel is to provide a check and balance against the performance of the Police and Crime Commissioner by scrutinising their actions and decisions in the exercise of their functions. The Panel supports and challenges the Commissioner, acting as a critical friend.

8.2 The next meeting of the Panel (the AGM) is on 27 June 2019 at County Hall. Subsequent meetings are scheduled for the following dates:

- 18 September 2019
- 30 October 2019 (informal, tentative)
- 27 November 2019

8.3 The Panel's main functions are as follows:

- Review the draft police and crime plan, or draft variation, given to the panel by the Commissioner and make a report or recommendations on the draft plan or variation to the Commissioner
- Review the Commissioner's annual report and make a report or recommendations on the report to the Commissioner
- Review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of the Commissioner's functions.
- Publish any report and recommendations made to the Commissioner
- Review certain senior appointments made by the Commissioner
- Review chief constable appointments, with the power to veto the appointment with a two thirds majority vote.
- Review and report on the Commissioner's proposals to remove a chief constable.
- Review the Commissioner level of precept, with the power to veto the precept with a two thirds majority vote
- Suspend the Commissioner on their being charged with certain criminal offences.
- Appoint an acting Commissioner if necessary.
- Initial handling and informal resolution of complaints about the conduct of the Commissioner/Deputy Commissioner

- 8.4 The Panel is, in effect, a joint committee of all authorities in the police area made up of both appointed and co-opted members. In a police area with more than 10 authorities, appointed members will be equal in number to the number of local authorities in the area, with one from each authority. Therefore, in Surrey, this equates to 12 appointed members.
- 8.5 It is important that, in making appointments, councils consider the skills, knowledge and experience required to discharge the functions of the Panel. A person specification, outlining the key competencies and skills required is attached at **Appendix 2** and should be taken into account when the Council makes an appointment to the Panel for a four-year period of office ending May 2023. No substitutes are permitted.

9. Councillor Champions

Armed Forces Champion

- 9.1 Borough and district councils across Surrey have been invited to appoint a member of the Executive, or Chairman of an appropriate Scrutiny Committee, or a Member with an interest in the Armed Forces community, as the Council's Armed Forces Champion. The role involves raising the profile and needs of the Armed Forces community (serving personnel, both regular and reserve, their families and veterans), within the Council and the Borough. Close liaison with the Council's Armed Forces Covenant Officer, with particular reference to the Council's obligations undertaken through the Armed Forces Covenant and the Community Covenant, will be essential. The Armed Forces Champion for 2018-19 was Councillor David Elms.

The Council is invited to appoint an Armed Forces Champion for 2019-20.

Historic Environment and Design Champion

- 9.2 Since 2004, the Council has appointed an Historic Environment and Design Champion whose role has been to promote and support best practice in the built and historic environment by ensuring that the Council provides a vision for how the quality of the built environment will improve. This will require an overview of the host of responsibilities the Council has, for example via planning, conservation, procurement of new buildings and the management of streets and green spaces. The Historic Environment and Design Champion for 2018-19 was Councillor Paul Spooner.

The Council is invited to appoint an Historic Environment & Design Champion for 2019-20.

Older Persons' Champion

- 9.3 When the Executive adopted the Later Life Strategy in October 2010, the appointment of an independent Older Persons' Champion was approved in principle and it was agreed that future appointments should be made annually by the Council at its Selection meeting. The Champion's role is to promote services for older people within the Borough. The role requires a willingness to challenge existing structures and cultures; and an ability to work across organisational boundaries and motivate key partners. The Older Persons' Champion for 2018-19 was Councillor Geoff Davis.

The Council is invited to appoint an Older Persons' Champion for 2019-20.

10. Legal implications

- 10.1 As the Council's membership is divided into political groups, it is required by sections 15 and 16 of the Local Government and Housing Act 1989 and related regulations, to ensure that appointments to fill seats on committees are allocated in the same proportion as that in which the Council as a whole is divided. There is also a duty to review annually the allocation of seats on committees to political groups or following any change in the political constitution of the Council.
- 10.2 The Council has wide powers in the Local Government Act 1972 to appoint committees and delegate (non-executive) functions to them. As the Council operates executive arrangements, it is required under the Local Government Act 2000, to establish at least one overview and scrutiny committee.

11 Financial Implications

- 11.1 There are no significant financial implications arising from this report.

12 Human resource Implications

- 12.1 There are no significant human resource implications arising from this report.

13 Background Papers

None

14 Appendices

Appendix 1: Proposed terms of reference of the Council's Committees for 2019-20
Appendix 2: Person Specification for Police & Crime Panel Member

TERMS OF REFERENCE OF COMMITTEES FOR 2019-20

CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

Audit and Accounts Activity

1. To consider the Managing Director's bi-annual report on the summary of internal audit activity (actual and proposed) and the level of assurance that it can give over the Council's corporate governance arrangements.
2. To consider reports dealing with the management and performance of the providers of the internal audit function.
3. To consider reports from internal audit on recommendations agreed with heads of service as a result of an internal audit review which have not been implemented within a reasonable timescale.
4. To consider the external auditor's annual letter, relevant reports (both financial and strategic) and the report to those charged with governance and submit any comments to the Executive.
5. To consider specific reports submitted by the internal or external auditors.
6. To comment on the scope and depth of external audit work and ensure that it gives value for money.
7. To review the annual statement of accounts with specific emphasis on 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 Council.
8. To approve the Council's statement of accounts each year.
9. To consider reports on treasury management matters prior to their referral to the Executive and Council
10. To consider quarterly budget monitoring reports.

Corporate Governance Activity

11. To monitor and review the operation of the Council's Constitution, particularly in respect of financial procedures and protocols, procurement procedures and guidelines.
12. To review any corporate governance issue referred to the Committee by the Managing Director, a Director, the Leader/Executive or any other committee of the Council.
13. To monitor the effective development and operation of risk management and corporate governance in the Council.
14. To consider the Council's statement on internal control and to recommend its adoption.

15. To consider the Council's arrangements for corporate governance and necessary actions to ensure compliance with best practice, together with any relevant issues referred by the Corporate Governance Group.
16. To consider the Council's compliance with its own and other published standards and controls.
17. To consider the annual report regarding complaints about the Council referred to the Local Government Ombudsman.
18. To approve payments or other benefits of a value greater than £5,000 arising from complaints to the Local Government Ombudsman.
19. To monitor the effectiveness of the Council's:
 - whistle-blowing procedure,
 - anti-fraud and corruption policy,
 - anti-bribery policy and procedure
 - complaints procedureand make appropriate recommendations to the Executive.
20. In relation to corporate health and safety, to receive reports on compliance with the Council's health and safety policies and standards, accident rates and claims and the financial implications of action taken in that regard.
21. In relation to human resources functions delegated to the Managing Director and Directors to receive reports on compliance with the Council's policies and procedures and the financial implications of action taken in that regard.
22. To consider an annual report on insurance claims against the Council including issues arising from them and steps taken to manage the risk of future claims of a similar nature.
23. Monitoring and auditing of the Council's equality and diversity policies.

Ethical Standards Activity

24. To promote and maintain high standards of conduct by councillors and co-opted members⁶
25. To advise the Council on the adoption or revision of its code of conduct.
26. To assist councillors and co-opted members to observe the code of conduct.
27. To advise, train or arrange to train councillors and co-opted members on matters relating to the code of conduct.
28. To advise the public on matters relating to the code of conduct.

⁶ A "co-opted member" for this purpose is, defined in the Localism Act section 27 (4) as "a person who is not a member of the authority but who

(a) is a member of any committee or sub-committee of the authority, or
(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Reference to councillors or co-opted members in paragraphs 30 and 31 includes councillors or co-opted members of parish councils in the Council's area.

29. To agree arrangements for the selection and interviewing of candidates for appointment as Independent Persons (including such joint arrangements with other councils as may be deemed by the Monitoring Officer to be appropriate) and to make recommendations to full Council on these appointments.
30. To agree allowances and expenses for the Independent Person and any Reserve Independent Persons
31. To grant dispensations, after consultation with the independent person, to councillors and co-opted members with disclosable pecuniary interests.
32. To determine whether to investigate allegations of misconduct by councillors or co-opted members in circumstances where such determination by the Monitoring Officer is considered by him to be inappropriate.
33. To determine, by way of a hearing, those allegations of misconduct by councillors or co-opted members where a formal investigation has found evidence of failure to comply with the code of conduct and where a local resolution has not been agreed.
34. To determine, following a hearing and a finding that a councillor or co-opted member has failed to comply with the code of conduct, such action as may be deemed appropriate and proportionate.
35. To make recommendations, following a hearing, to any parish council in the Council's area on action to be taken against any councillor or co-opted member of that parish council found to have failed to comply with that council's code of conduct.
36. To implement, monitor and review the operation of the code of conduct for staff.
37. To implement, monitor and review the operation of the Protocol on Councillor/ Officer Relations.
38. To undertake the Council's ethical governance audit of the rules and procedures applying within the Council and to consider the need for any further provisions.
39. To consider any other matter referred by the Monitoring Officer.

NB. Reference to councillors or co-opted members includes councillors or co-opted members of parish councils in the Council's area.

EMPLOYMENT COMMITTEE

1. To approve the Council's human resources policies.
2. Following the relevant procedures set out in Officer Employment Procedure Rules in Part 4 of the Constitution:
 - (a) To make recommendations to full Council in respect of the appointment or dismissal of Relevant Officers
 - (b) To determine disciplinary action short of dismissal of Relevant Officers

- (c) To determine the appointment, dismissal or disciplinary action short of dismissal of the Deputy Managing Director or Directors, provided that they are not Relevant Officers
 - (d) To constitute the Appeals Panel provided that such Panel shall comprise only those members or substitute members of the Employment Committee who were not involved in the original Hearing.
3. To determine remuneration and pension discretions relating to the Managing Director and Directors in accordance with the Council's approved human resources policies and Pay Policy Statement.
 4. To approve or make a recommendation to Council for any financial settlement with any Director in connection with the termination of his or her employment, subject to the requirements of the Pay Policy Statement.
 5. To make recommendations to Council in relation to any financial settlement with the Managing Director in connection with the termination of his or her employment.
 6. To conduct a hearing into any unresolved grievance brought by the Managing Director.

EXECUTIVE ADVISORY BOARDS

Each Executive Advisory Board will consider reports on matters relating to the functions of the Executive that fall within its remit. The remits of each Executive Advisory Board are shown below and are aligned to themes in the Corporate Plan; they will be reviewed and approved at the Council's Selection meeting each year. The Executive Advisory Boards will meet in public, be webcast, and be subject to Part C of the Council Procedure Rules, Public Speaking Procedure Rules and Access to Information Procedure Rules in Part 4 of the Constitution.

Membership:

- (a) Each Executive Advisory Board shall comprise 12 non-executive councillors, one of whom shall be appointed by the Council as chairman, with normal voting rights.
- (b) The Council shall appoint a vice-chairman for each Executive Advisory Board.
- (c) Proportionality rules will apply.
- (d) Substitutes will be allowed in accordance with the rules and procedures of this Constitution, and in respect of each Executive Advisory Board, the Council may appoint up to seven substitute members for each political group.

Meetings:

- (a) Each Executive Advisory Board shall normally meet eight times annually.
- (b) Relevant Executive members will be expected to attend Executive Advisory Board meetings and should normally present matters (with officer support) for discussion at meetings and engage actively in a dialogue with the Executive Advisory Boards regarding those matters.
- (c) The quorum of each Executive Advisory Board will be 4.

Responsibilities:

Each Executive Advisory Board will have the following general responsibilities within its remit:

- (a) To consider and (where necessary) make recommendations on all Key (or other significant) Decisions, prior to the formal consideration of all such decisions by the Executive.
- (b) To assist and advise the Executive in the development of Policy Framework issues.
- (c) To undertake research and reviews for the purpose of advising the Executive on the delivery of Corporate Plan Priorities.
- (d) To advise the Executive at an early stage in respect of the formulation and development of policies and projects that will help to deliver Corporate Plan Priorities
- (e) To assist in the development of Executive Decisions
- (f) To assist and advise the Executive as regards budget preparation.
- (g) To develop and maintain a work programme ensuring that there is efficient use of its time

Powers:

Each Executive Advisory Board will have the power:

- (a) To require the Leader and/or lead councillors and officers to attend before it to answer questions
- (b) To question and gather evidence from any person (with their consent)
- (c) To co-opt expert individuals on a non-voting basis to assist their work.
- (d) To set up panels, task groups or breakout groups to look at specific issues relating to the delivery of the Corporate Plan (or other significant priorities) in order to inform decision making by the Executive. For the avoidance of doubt, the membership of such panels and groups shall be open to all councillors.

Remits:

The remits of the Executive Advisory Boards will be as follows:

- (a) [The Place Making and Innovation] Executive Advisory Board. [To be aligned to themes in the new Corporate Plan]
- (b) [The Community] Executive Advisory Board [To be aligned to themes in the new Corporate Plan]

Protocol for their operation:

- (1) EABS are advisory in nature and do not have any substantive decision-making powers delegated to them. EABS are to act as a source of advice to the Executive.
- (2) EABS will enable greater involvement and engagement of councillors and the public in significant Executive decisions.
- (3) EABS will advise the Executive at an early stage about the formulation and development of policies and projects that will help deliver Corporate Plan priorities. The EABS are intended to enable backbench councillors to be more closely involved with issues of greatest importance to the Council.
- (4) The chairmen and vice-chairmen of the EABS will meet regularly to identify priorities and prepare draft work programmes for consideration and approval by the EABS and, as part of this process, will take into account the forthcoming key or significant Executive decisions set out in the Forward Plan. Subject to paragraph (5) below, those matters identified in the agreed work programmes will be considered by the EABS in detail.

- (5) When considering an Executive decision, the EABs will aim to do so at a time when it is still open to influence, that is to say, when there is an expectation that a recommendation or suggestion for improvement could realistically lead to change. EAB agendas will list all forthcoming key or significant Executive decisions set out in the Forward Plan, except those that are urgent.
- (6) EABs will determine their final recommendations to the Executive by consensus if at all possible.
- (7) The advice of EABs to the Executive, including explanation for any recommendations, will be contained within a report considered by the Executive. The justification for not accepting advice from an EAB is to be made clear in the options considered by the Executive.
- (8) Membership of both an EAB 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; yet, EABs are advisory and it remains the responsibility of the Executive to formally take and implement the decision.

LICENSING COMMITTEE

1. Except as otherwise provided in the Licensing Act 2003 and the Gambling Act 2005, all functions of the licensing authority prescribed by those Acts.
2. All other functions relating to licensing and registration in so far as they are the responsibility of the Borough Council as specified in Section B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
3. All functions relating to health and safety at work in so far as they are the responsibility of the Borough Council as specified in Section C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
4. To determine any changes to taxi and private hire licence fees and charges on an annual basis, and to authorise statutory publication of the fees and charges.
5. To consider objections following the statutory publication of the fees and charges referred to in 4. above and to approve the final fees and charges.

OVERVIEW AND SCRUTINY COMMITTEE

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by Sections 21 and 21A of the Local Government Act 2000 or regulations made under Section 32 of the Local Government Act 2000. This Committee is also the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006.

The work of the Overview and Scrutiny Committee should focus on the Council's principles, practice, procedures and performance (rather than politics and personalities); the work will be informed by the following principles:

- (i) Constructive “critical friend” challenge
- (ii) Amplifies the voices and concerns of the Public
- (iii) Led by independent people who take responsibility for their role; and
- (iv) Drives improvement in public services

The provisions of these terms of reference are subject always, and without prejudice, to Section 9F of the Local Government 2000.

General Terms of Reference:

- (a) to perform all overview and scrutiny functions on behalf of the Council;
- (b) to appoint such formal sub-committees and informal task and finish groups as it considers appropriate to fulfil those overview and scrutiny functions;
- (c) to approve the overview and scrutiny work programme so as to ensure that the Committee’s time is effectively and efficiently utilised;
- (d) to undertake investigations into such matters relating to the Council’s functions and powers as:
 - (i) may be referred by the Leader/Executive; or
 - (ii) the Committee may consider appropriate; or
 - (iii) 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;

(In respect of (iii) above, the Committee may review the decision or, if it so wishes, refer the matter to the full Council for review.)

- (e) to review and advise on all existing policies of the Council, including making recommendations for future options to the Leader/Executive;
- (f) to review arrangements to secure continuous improvement in the way in which the Council’s functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
- (g) to monitor and review the Council’s performance against relevant national and local performance indicators and adopted plans and strategies;
- (h) to consider any matter affecting the area or its inhabitants;
- (i) to discuss initiatives put forward for consideration by individual members of the Committee;
- (j) to deal with any relevant councillor call-for-action in accordance with the protocol attached as Appendix 1 to the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution; and
- (k) to consider petitions received under the adopted Petition Scheme that fall into the following categories:
 - petitions requiring a senior officer to give evidence to the Committee; and

- a request from a petition organiser, who is not satisfied with the Council's response to a petition, for a review of the adequacy of the steps taken or proposed to be taken in response to the petition.

Specific Functions

(a) Policy Development and Review

The Overview and Scrutiny Committee may:

- (i) assist the Council and the Leader/Executive in the development of the budget and policy framework by in-depth analysis of policy issues; and the Overview and Scrutiny Committee may obtain evidence from members of the public or expert witnesses to inform its response
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) question the Leader, lead councillors, Managing Director and Directors about their views on issues and proposals affecting the area; and
- (iv) liaise with, and scrutinise, 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; any such organisation that is working in partnership with the Council will be expected to have regard to the reports and recommendations of the Committee

(b) Scrutiny

The Overview and Scrutiny Committee may:

- (i) review and scrutinise the performance of and the decisions made by the Leader, lead councillors individually or the Executive collectively and Council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question the Leader, lead councillors, Managing Director and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time; in relation to particular decisions, initiatives or projects; or in relation to the portfolios of the Leader or of Lead Councillors (or any parts thereof). As part of this process, the Committee may facilitate the asking of questions submitted in advance by members of the public;
- (iv) make recommendations as appropriate to the Leader/Executive and/or the Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance;
- (vi) question and gather evidence from any person (with their consent) and

require information from partner organisations; and

- (vii) use innovative ways to scrutinise matters of concern such as select committees, public hearings, mystery shopping and workshops; the issue being investigated should be matched to the most appropriate process.

(c) Finance

- (i) The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.
- (ii) The Committee may request that a budget be made available to it for the purposes of research, the costs of expert witnesses, site visits, non-meeting based activities and matters similar thereto.

(d) Annual Report

The Overview and Scrutiny Committee must report annually to the full Council on its work undertaken during the year, its future work programme and amended working methods if appropriate.

PLANNING COMMITTEE

1. All functions relating to town and country planning and development control in so far as they are the responsibility of the Borough Council as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
2. All functions relating to:
 - (a) the stopping up or diversion of footpaths, bridleways or restricted byways affected by development;
 - (b) the extinguishment of public rights of way over land held for planning purposes; and
 - (c) trees and hedgerows

as specified in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

Person Specification for Police & Crime Panel Member

Competencies

- *Strategic thinking*: the ability to rise above detail and see problems from a wider, forward-looking perspective.
- *Scrutiny and challenge*: the ability to rigorously scrutinise and challenge constructively, using appropriate data and evidence.
- *Openness to change*: challenging accepted views in a constructive way
- *Analytical ability*: interpreting and questioning complex material including financial, statistical and performance information.
- *Communication*: explaining situations clearly, together with a willingness to listen to and represent the views of all sections of the community on policing issues.
- *Effective time management*: identifying priorities and making the most productive use of one's own and others' time.

Personal Skills & Qualities

- *Respect for others*: capacity to treat all people fairly, with respect and valuing diversity.
- *Integrity*: embracing high standards of conduct and ethics.
- *Enthusiasm and drive*: willingness to learn and develop to enhance one's knowledge and understanding.
- *Team Working*: playing an effective role through listening, persuading and showing respect for the views of others.
- *Self-confidence*: seek out and listen to the views of others and play an active part in discussions and debates.

All Panel Members, both appointed and co-opted, are expected to carry out their responsibilities in accordance with the Nolan Principles of standards of conduct in public life.

Panel Members will be expected to attend all meetings of the Panel (approx. 4-6 a year) and any sub-committees or groups to which they are appointed, as well as any relevant learning and development activities.

