## B. REGULATORY COMMITTEES:

### DEVELOPMENT CONTROL COMMITTEES

### Terms of Reference

### Arrangements

There are 2 Development Control Committees:

- **Development Control Committee "A"**
- **Development Control Committee "B"**

Each Development Control Committee shall have full authority to deal with all development control matters reserved to a Development Control Committee by virtue of this constitution.

### Functions

Full Council has delegated to the Development Control Committees all functions relating to town & country planning and development control as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

1. Power to determine application for planning permission (section 70(1)(a) and (b) and 72 of the Town & Country Planning Act 1990 (c.8)).
2. Power to determine applications to develop land without compliance with conditions previously attached (section 73 of the Town & Country Planning Act 1990).
3. Power to grant planning permission for development already carried out (section 73(A) of the Town & Country Planning Act 1990).
4. Power to decline to determine application for planning permission (section 70A of the Town & Country Planning Act 1990).
5. Duties relating to the making of determinations of planning applications (Sections 69, 76 and 92) of the Town & Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25, and 26 of the Town & Country Planning (General Development Procedure Order 1995) (S.I. 1995/419 and directions made thereunder).
6. Power to determine application for planning permission made by a local authority, alone, or jointly with another person (section 316 of the Town & Country Planning Act 1990 and the Town & Country Planning General Regulations 1992 (S.I. 1992/1492)).
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights (Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995).
8. Power to enter into agreement regulating development or use of land (Section 106 of the Town and Country Planning Act 1990).
9. Power to issue a certificate of existing or proposed lawful use or development (Section 191(4) and 192(2) of the Town and Country Planning Act 1990).
10. Power to serve a completion notice (Section 94(2) of the Town and Country Planning Act 1990).
11. Power to grant consent for the display of advertisements (Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992).
12. Power to authorise entry onto land (Section 196A of the Town and Country Planning Act 1990).
13. Power to require the discontinuance of a use of land (Section 102 of the Town and Country Planning Act 1990).

14. Power to serve a planning contravention notice, breach of condition notice or stop notice (Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990).
15. Power to issue a temporary stop notice (Section 171 of the Town and Country Planning Act 1990).
16. Power to issue an enforcement notice (Section 172 of the Town and Country Planning Act 1990).
17. Power to apply for an injunction restraining a breach of planning control (Section 187B of the Town and Country Planning Act 1990).
18. Power to determine applications for hazardous substances consent, and related powers (Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10)).
19. Duty to determine conditions of which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites or mineral permissions relating to mining sites, as the case may be, are to be subject (paragraph 2(6)(a) of Schedule 2 of the Planning and Compensation Act 1991, paragraph 9(6) of the Schedule 13 of the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.
20. Power to require proper maintenance of land (section 215(1) of the Town and Country Planning Act 1990).
21. Power to determine application for listed building consent, and related powers (sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9).
22. Power to determine applications for conservation area consent (section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act.)
23. Duties relating to applications for listed building consent and conservation area consent (sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regs 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 S.I. 1990/1519) and paragraphs 8,15 and 26 of the Department of Environmental, Transport and the Regions circular 01/01).
24. Power to serve a building preservation notice, and related powers (sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
25. Power to issue enforcement notice in relation to demolition of listed building in conservation area (section 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).

26. Powers to acquire a listed building in need of repair and to serve a repairs notice (section 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).
27. Power to apply for an injunction in relation to a listed building (section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).
28. Power to execute urgent works (section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
29. Power to authorise stopping up or diversion of highway (section 247 of the Town and Country Planning Act 1990).
30. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway (section 257 of the Town and Country Planning Act 1990).
31. Power to extinguish public rights of way over land held for planning purposes (Section 258 of the Town and Country Planning Act 1990).
32. Powers relating to the protection of important hedgerows (the Hedgerows Regulations 1997 (S.I. 1997/1160).
33. Powers relating to the preservation of trees (sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1990 (S.I. 1999/1892)).
34. Powers relating to complaints about high hedges (Part 8 of the Anti-Social Behaviour Act 2003).
35. Power to include modifications in other orders (Section 53A of the Wildlife and Countryside Act 1981).
36. power to revoke or modify planning permission (Section 97 Town and Country Planning Act 1990

**Code of Conduct**

The committee must follow the council's Code of Conduct for Councillors and Officers dealing with development control and other appropriate planning matters (in part 5 of the constitution).

## PUBLIC SAFETY AND PROTECTION COMMITTEE

### Terms of Reference

### Functions

Full Council has delegated to the Public Safety and Protection Committee all functions relating to public safety and protection as specified in Regulation 2 and Schedule 1 to the Local Authorities

(Functions and Responsibilities)(England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

1. Power to license hackney carriages and private hire vehicles ((a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55) and section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Misc. Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 68, 60 and 79 of the Local Government (Misc. Provisions) Act 1976).
2. Power to license drivers of hackney carriages and private hire vehicles (sections 51, 53, 54, 59, 61 and 79 of the Local Government (Misc. Provisions) Act 1976.
3. Power to license operators of hackney carriages & private hire vehicles (sections 55 to 58, 62 and 79 of the Local Government (Misc. Provisions) Act 1976).
4. Power to register pool promoters (Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(c) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions Order 2006 (S.I. 2006/3272) ("the Gambling Order")).
5. Power to grant track betting licences (Schedule 3 to the Betting Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
6. Power to license inter-track betting schemes (Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
7. Power to grant permits in respect of premises with amusement machines (Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
8. Power to register societies wishing to promote lotteries (Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
9. Power to grant permits in respect of premises where amusements with prizes are provided (Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
10. Power to issue cinema and cinema club licences (section 1 of the Cinema Act 1985 (c.13)).
11. Power to issue theatre licences (sections 12 to 14 of the Theatres Act 1968 (c.54)).

12. Power to issue entertainments licences (section 12 of the Children and Young Persons Act 1933 (c.12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c.33), section 79 of the Licensing Act 1964 (c.26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Misc. Provisions) Act 1982).
13. Power to license performances of hypnotism (the Hypnotism Act 1952 (c.46)).
14. Power to license pleasure boats and pleasure vessels (Section 94 of the Public Health Acts Amendment Act 1907 (c.53)).
15. Power to license market and street trading (Part III of, and Schedule 4 to, the Local Government (Misc. Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c.vii) and section 6 of the London Authorities Act 1994 (c.xii)).
16. Power to license scrap yards (section 1 of the Scrap Metal Dealers Act 1964 (c.69)).
17. Power to license persons to collect for charitable and other causes (section 5 of the Police, Factories etc. (Misc. Provisions) Act 1916 (c.31) and s. 2 of the House to House Collections Act 1939 (c.44)).
18. Power to sanction use of parts of buildings for storage of celluloid (section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35)).
19. Power to register motor salvage operators (Part 1 of the Vehicles (Crime) Act 2001).
20. Power to issue licences authorising the use of land as a caravan site ("site licences") (Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62)).
21. Power to license the use of moveable dwellings and camping sites (section 269(1) of the Public Health Act 1936) (c.49).
22. Power to enforce offences to the display of no-smoking signs (section 6(5) of the Health Act 2006 (“the 2006 Act”).
23. Power to enforce offences relating to smoking in smoke-free places (section 7(4) of the 2006 Act).
24. Power to enforce offence of failing to prevent smoking in smoke-free places (section 8(4) of the 2006 Act).
25. Power to enforce offences of failing to prevent smoking in smoke-free places (section 8(4) of the 2006 Act).
26. Power to transfer enforcement functions to another enforcement authority (Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368)).
27. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis (section 13 to 17 of the Local Government (Misc. Provisions) Act 1982).

28. Powers to license night cafes and take-away food shops (section 2 of the Late Night Refreshment Houses Act 1969 (c.53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994).
29. Duty to keep list of persons entitled to sell non-medicinal poisons (sections 3 (1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)).
30. Power to license dealers in game and the killing and selling of game)(sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); s.2 to 16 of the Game Licensing Act 1860 (c.90), s. 4 of the Customs and Inland Revenue Act 1883 (c.10), section 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70)).
31. Power to register and license premises for the preparation of food (section 19 of the Food Safety Act 1990 (c.16)).
32. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds (the Safety of Sports Grounds Act 1975 (c.52)).
33. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds (Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27)).
34. Power to issue fire certificates (section 5 of the Fire Precautions Act 1971 (c. 40)).
35. Power to license premises for the breeding of dogs (section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)).
36. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (section 1 of the Pet Animals Act 1951 (c.35); section 1 of Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c70 & 1970 c70); s.1 of the Breeding of Dogs Act 1973 (c.60), and subsection 1 & 8 of the Breeding and Sale of Dogs (Welfare) Act 1999).
37. Power to register animal trainers and exhibitors (section 1 of the Performing Animals (Regulation) Act 1925 (c.38)).
38. Power to license zoos (section .1 of the Zoo Licensing Act 1981 (c.37)).
39. Power to license dangerous wild animals (section 1 of the Dangerous Wild Animals Act 1976 (c. 38)).
40. Power to license knackers' yards (Section 4 of the Slaughterhouses Act 1974 see also the Animal By-Products Order 1999 (S.I. 1999/646)).
41. Power to license the employment of children (Part II - Children & Young Persons Act 1933 (c.33), bylaws made under that Part, & Part II -Children & Young Persons Act 1963 (c.37))

42. Power to grant consent for the operation of a loudspeaker (Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40)).
43. Power to license agencies for the supply of nurses (Section 2 of the Nurses Agencies Act 1957 (c.16)).
44. Power to issue licences for the movement of pigs (Article 12 of the Pigs (Records, Identification & Movement) Order 1995 (S.I. 1995/11)).
45. Power to license the sale of pigs (Article 13 of the Pigs (Records, Identification & Movement) Order 1995).
46. Power to license collecting centres for the movement of pigs (Article 14 of the Pigs (Records, Identification & Movement) Order 1995).
47. Power to issue a licence to move cattle from a market (Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)).
48. Power to approve meat product premises (Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)).
49. Power to approve premises for the production of minced meat or meat preparations (Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)).
50. Power to approve dairy establishments (regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)).
51. Power to approve egg product establishments (regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)).
52. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods. (Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)).
53. Power to approve fish products premises (regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994)).
54. Power to approve dispatch or purification centres (regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
55. Power to register fishing vessels on board which shrimps or molluscs are cooked (Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
56. Power to approve factory vessels and fishery product establishments (regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
57. Power to register auction and wholesale markets (regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).

58. Duty to keep register of food business premises (regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)).
59. Power to register food business premises (regulation 9 of the Food Premises (Registration) Regulations 1991).
60. Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the authority's capacity as an employer (part 1 of the Health and Safety at Work etc. Act 1974 (c.37)).
61. Functions relating to sea fisheries (sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38)).
62. Power to make closing order with respect to take-away food shops (Section 4 of the Local Government (Misc. Provisions) Act 1982 (c.30)).

## PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE

### Terms of Reference

### Functions

Full Council has delegated to the Public Rights of Way and Greens Committee all functions relating to public rights of way and greens are as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

**List A – Non-Executive Functions Delegated to the Business Change Directorate**

1. Functions relating to the registration of common land and town or village greens (part 1 Commons Act 2006 and the Commons Registration (England) Regulations 2008);
2. Power to register variation of rights of common (Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471));
3. Power to apply for an enforcement order against unlawful works on common land (Section 41 Commons Act 2006);
4. Power to protect unclaimed common land and unclaimed town or village greens against unlawful interference (Section 45(2)(a) Commons Act 2006); and

5. Power to institute proceedings for offences in respect of unclaimed registered common land or unclaimed town or village greens (Section 45(2)(b) of the Commons Act 2006).

**List B – Non-Executive Functions Delegated to the Neighbourhoods and Place Directorates**

6. Power to grant a street works license (section 50 of the New Roads and Street Works Act 1991 (c. 22)).
7. Power to permit deposit of builder's skip on highway (section 139 of the Highways Act 1980 (c.66)("the Act")).
8. Duty to publish notice in respect of proposal to grant permission under section 115E of the Act (section 115E of the Act).
9. Power to license planting, retention and maintenance of trees etc. in part of highway (Section 142 of the Act).
10. Power to authorise erection of stiles etc. on footpaths or bridleways (section 147 of the Act).
11. Power to license works in relation to buildings etc. which obstruct the highway (Section 169 of the Act).
12. Power to consent to temporary deposits or excavations in streets (section 171 of the Act).
13. Power to dispense with obligation to erect hoarding or fence (section 172 of the Act).
14. Power to restrict the placing of rails, beams etc over highways (section 178 of the Act).
15. Power to consent to construction of cellars etc. under street (section 179 of the Act).
16. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators (section 180 of the Act).
17. Power to create footpath, bridleway or restricted byway by agreement (section 25 of the Act (c.66)).
18. Power to create footpaths, bridleways and restricted byways (section 26 of the Act).
19. Duty to keep register of information with respect to maps, statements and declarations (section 31A of the Act).
20. Power to stop up footpaths, bridleways and restricted byways (section 118 of the Act).
21. Power to determine application for public path extinguishment order (sections 118ZA and 118C(2) of the Act).
22. Power to make a rail crossing extinguishment order (section 118A of the Act).
23. Power to make a special extinguishment order (section 118B of the Act).
24. Power to divert footpaths, bridleways and restricted byways (section 119 of the Act).

25. Power to make a public path diversion order (sections 119ZA and 119C(4) of the Act).
26. Power to make a rail crossing diversion order (section 119A of the Act).
27. Power to make a special diversion order (section 119B of the Act).
28. Power to require applicant for order to enter into agreement (section 119C(3) of the Act).
29. Power to make an SSSI diversion order (section 119D of the Act).
30. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA & 119C of the Act (section 121B of the Act).
31. Power to decline to determine certain applications (section 121C of the Act).
32. Duty to assert and protect the rights of the public to use and enjoyment of highways (section 130 of the Act).
33. Duty to serve notice of proposed action in relation to obstruction (section 115E of the Act).
34. Power to apply for variation of order under section 130B of the Act (section 130B(7) of the Act).
35. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway (section 135 of the Act).
36. Power temporarily to divert footpath, bridleway or restricted byway (section 135A of the Act).
37. Functions relating to the making good of damage and the removal of obstructions (section 135B of the Act).
38. Powers relating to the removal of things so deposited on highways as to be a nuisance (section 149 of the Act).
39. Power to extinguish certain public rights of way (section 32 of the Acquisition of Land Act 1981 (c.67)).
40. Duty to keep definitive map and statement under review (section 53 of the Wildlife and Countryside Act 1981 (c.69)).
41. Power to include modifications in other orders (section 53A of the Wildlife and Countryside Act 1981).
42. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981 (section 53B of the Wildlife and Countryside Act 1981).
43. Power to prepare map and statement by way of consolidation of definitive map and statement (section 57A of the Wildlife and Countryside Act 1981).
44. Power to designate footpath as cycle track (section 3 of the Cycle Tracks Act 1984 (c.38)).
45. Power to extinguish public right of way over land acquired for clearance (section 294 of the Housing Act 1981 (c. 68)).
46. Power to enter into agreements with respect to means of access (section 35 of the Countryside and Rights of Way Act 2000 (c. 37)).

47. Power to provide access to absence of agreement (section 37 of the Countryside and Rights of Way Act 2000).
48. Power to make limestone pavement order (section 34(2) of the Wildlife and Countryside Act 1981 (c.69)).
49. Power to discharge, and acquire from other authorities, functions relating to Definitive Map Modification Orders and Public Path Orders (section101 of the Local Government Act 1972

## C. OTHER COMMITTEES

## HUMAN RESOURCES COMMITTEE

### Terms of Reference

### Overview

To discharge functions relating to the terms and conditions of staff, including procedures for the dismissal of staff and determining the pay and grading, other terms and conditions, disciplinary action, dismissal and early retirement of 1st and 2nd tier posts and post holders except for matters relating to staff selection, appeals, or complaints or any other matters that fall within the remit of the Appeals Committee or Selection Committee[1]. The dismissal of 1st and 2nd tier officers is subject to the Officer Employment Rules (OER7). Any disciplinary action of the Head of Paid Service, Monitoring Officer of Chief Finance Officer must be in accordance with OER6.

### Functions

Full Council has delegated the following functions to the Human Resources Committee to the extent specified above:

- To recommend to full Council, the annual pay policy statement including any amendments that may need to be made to the policy statement from time to time

- To recommend to Council, any changes to the pay and grading arrangements for first and second tier officers

- To approve changes to the pay and grading of first and second tier officers within the policy framework approved by full Council (the pay policy statement)

- Determining the pay and grading arrangements of all other employees

- Power to determine the terms and conditions on which employees hold office (including procedures for their dismissal) (section 112 Local Government Act 1972)

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- Functions relating to local government pensions etc. (Regulations under section 7, 12 or 24 of the Superannuation Act 1972).

## APPEALS COMMITTEE

### Terms of Reference

### Overview

Consider appeals from council staff where an HR policy gives them a right of appeal at Member level as well as other appeals referred to it by the Head of Paid Service, Service Director: HR or where it is a non-HR appeal, then by the relevant Strategic Director.

The Committee is also the member level forum which takes decisions on renewal and discharge of guardianship under the provisions of the Mental Health Act 1983.

### Functions

Full Council has delegated the following functions to the Appeals Committee:

- Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal) (section 112 Local Government Act 1972) in so far as the function relates to the consideration and determination of employee appeals;

- The determination of an appeal against any decision made by or on behalf of the authority except where there is another council committee to deal with appeals of the particular type.

- Responsibility for taking decisions on guardianship discharge or renewal under the Mental Health Act 1983.

## SELECTION COMMITTEE

### Terms of Reference

### Overview

In accordance with the Officer Employment Rules (OER) -

(a) Interviewing applicants for chief officer and deputy chief officer posts;

(b) The appointment of chief officers and deputy chief officers, except those officers designated as follows:-

- Head of Paid Service
- Chief Finance Officer
- Monitoring Officer
- Returning Officer for local government elections
- Electoral Registration Officer;

(c) In the case of appointments designated in (b) above, recommendation to full Council in accordance with OER4.

**Functions**

Full Council has delegated the following functions to the Selection Committee to the extent specified above:

1. Duty to designate officer as the monitoring officer (s.5(1) Local Government and Housing Act 1989);

2. Duty to appoint an electoral registration officer (s.8(2) Representation of the People Act 1983);

3. Duty to appoint a returning officer for local government elections (s.35 Representation of the People Act 1983);

4. Duty to designate officer as the head of the authority's paid service (s.4(1) Local Government and Housing Act 1989).

5. The power to appoint chief officers and deputy chief officers, and to determine the terms and conditions on which they hold office (Section 112 of the Local Government Act 1972).

## AUDIT COMMITTEE

## Terms of Reference

### Overview

The Audit Committee is a non-statutory committee independent of the council's executive and scrutiny and it reports to full council. Its purpose is to provide independent assurance to the council in relation to:-

1. The effectiveness of the council's governance arrangements, risk management framework and internal control environment including overseeing:

    - risk management strategies
    - anti-fraud arrangements
    - whistle-blowing strategies
    - internal and external audit activity;

2. The effectiveness of the council's financial and non-financial performance to the extent it affects exposure to risk and poor internal control;

3. The annual governance statement;

4. The review and approval of the annual statement of accounts, confirming the appropriate accounting policies have been followed, including the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### Functions

Full Council has delegated the following functions to the Audit Committee:

- Duty to review and consider the effectiveness of the council's system of internal control and approve the annual governance statement; review and consider the effectiveness of the council's internal audit; consider and approve the statement of accounts (Accounts and Audit (England) Regulations 2011 S.I. 2011/817).

- Assist the council in its statutory duty to promote and maintain high standards of conduct by members and co-opted members.

- Advise the council on the adoption or revision of the Code of Conduct for Members and any associated codes or protocols and monitoring their operation.

- Advise and training members on the Code of Conduct.

- Consider and determine any allegations of misconduct by a member of council (which could be a breach of the code of conduct) if the Monitoring Officer requests assistance.

- Consider nominations made by Group Whips for the conferring of the title “Honorary Alderman” and “Honorary Alderwoman” and making recommendations to Full Council thereon.

- To monitor the register of members interests.

- To advise and assist as required in the selection of the Lord Mayor.

- To grant dispensations pursuant to section 33(2) of the Localism Act 2011 where:

  (i) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.

  (ii) that the authority considers that the dispensation is in the interests of persons living in its area; or

  (iii) where the Committee considers that it is otherwise appropriate to grant a dispensation.

- Responsibility for ensuring effective scrutiny of the Council’s Treasury Management Strategy and policies.

- Involvement in the appointment/dismissal of the Chief Internal Auditor.

- Involvement in monitoring the performance of the Chief Internal Auditor.

## D. STATUTORY COMMITTEES

### LICENSING COMMITTEE

#### Overview

Functions relating to licensing and gambling as set out below.

**Licensing Act 2003** ("the 2003 Act")

1. All those matters relating to the discharge of licensing functions that are referred to that committee by virtue of section 7(1) of the 2003 Act;

2. Functions which, in exercise of its powers under section 7(3) of the 2003 Act, full council has arranged for the Licensing Committee to discharge, namely:

   (a) Power to grant permission for provision etc of services, amenities, recreation & refreshment facilities on highway & related powers (sections 115E, 115F & 115K of the Highways Act 1980);

   (b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption (section 13(2) of the Criminal Justice and Police Act 2001 (c.16));

   (c) Power to make or revoke an order designating a locality as an alcohol disorder zone (Section 16 Violent Crime Reduction Act 2006);

   (d) The Council's functions under the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 (as amended); and

   (e) Powers to make and cancel closure notices; make applications for closure orders; issue certificates of termination of closure orders; defend applications for the discharge of closure orders; appeal against the refusal to make closure orders; enforce closure orders; and prosecute for obstruction of authorised officers or for offences in connection with closure orders (sections 19 to 28 of the Criminal Justice and Police Act 2001);

**Gambling Act 2005** ("the 2005 Act")

3. All of those functions under Part 8 of the 2005 Act that are delegated to the Committee by virtue of section 154 of the 2005 Act;

4. Functions, which, in exercise of its powers under section 101 of the Local Government Act 1972, the full council has arranged for the Licensing Committee to discharge, namely:

   (a) Duty to comply with requirements to provide information to the Gambling Commission (s.29 of the 2005 Act);
   (b) Functions relating to exchange of information (s.30 of the 2005 Act);
   (c) Functions relating to occasional use notices (s.39 of the 2005 Act);
   (d) Power to designate officer of a licensing authority as an Authorised Person for a purpose relating to premises (section 304 of the 2005 Act);
   (e) Power to make order disapplying section 279 or 282(1) of the Act in relation to specified premises (s. 284 of the 2005 Act);
   (f) Power to exchange information (section 350 of the 2005 Act);
   (g) Power to institute criminal proceedings (section 346 of the 2005 Act);
   (h) Functions relating to the determination of fees for premises licenses (the Gambling (Premises License Fees) (England and Wales) Regulations 2007 (S.I. 2007/479));
   (i) Functions relating to the registration and regulation of small society lotteries (Part 5 of Sch 11 to the 2005 Act).

**Code of Conduct**

The Constitution contains a supplement to the members' code of conduct which deals with the role of elected members in relation to licensing committee hearings (see part 5 of the constitution).

## HEALTH AND WELLBEING BOARD

### Terms of Reference

### *Arrangements*

The Membership of the Board shall be as follows:

a. at least one elected member, nominated by the elected mayor or executive leader,

b. the director of adult social services,

c. the director of children's services,

d. the director of public health,

e. a representative of the Local Healthwatch,

f. a representative of each relevant clinical commissioning group, and

g. such other persons, or their representatives as deemed appropriate by a majority of the Board.

h. The political requirements set out in sections 15, 16 and schedule 1 of the Local Government and Housing Act 1989 shall not apply to the membership of the Board.

### *Schedule of meetings*

The Board will formally meet with such frequency as it shall determine.

### *Voting*

1. The Health and Wellbeing Board will be a committee of the Local Authority.
2. All members of the Health and Wellbeing Board will have voting rights.
3. If the Health and Wellbeing Board appoints additional members to the Board, the Board itself will determine whether those members will have voting rights.

### Functions

The functions of the board will be to:

- promote joint commissioning and encourage integrated working between commissioners of NHS, public health and social care

services to improve the health and wellbeing of the local community;

- encourage integrated working between commissioners of NHS, public health and social care services to improve the health and wellbeing of the local community;
- encourage organisations who arrange for the provision of any health-related services to work closely with the Health and Wellbeing Board to improve the health and wellbeing of the local community.
- encourage organisations who arrange for the provision of services related to the wider determinants of health, such as housing or transport, to work closely with commissioners of health and social care;
- assess the needs of the local community through the Joint Strategic Needs Assessment (JSNA) and consider the need or likely need capable of being met or affected by Local Authority or CCG functions;
- agree and produce a Health & Wellbeing Strategy, that addresses need, and which commissioners will need to take into account when they develop plans for health care, social care and public health;
- involve health watch and people living and working in Bristol in the preparation of the JSNA and JHWS
- have regard to the NHS Commissioning Board mandate and statutory guidance in the preparation of the JSNA and JHWS
- consider the use of health Act flexibilities when developing the JHWS;
- consider the suitability of current Pharmaceutical Needs Assessments (PNA) and prepare a statement of the needs for pharmaceutical services of the local population;
- agree and produce a revised PNA by 1st April 2015;
- provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
- be involved in the process of developing and signing-off Clinical Commissioning Group plans;
- assess and provide an opinion on whether the commissioning plan has taken proper account of the JSNA and JHWS;
- assess and provide an opinion on how well the commissioning plan has contributed to the delivery of the JHWS;
- To advise the Mayor in relation to the taking of executive decisions that concern health and well being functions of the local authority.

***Code of Conduct and Declarations of interest***

All members of the Board will be bound by the Council's code of conduct for members and will complete the Register of interests.