

PART 3

RESPONSIBILITY FOR FUNCTIONS - MEMBERS

COUNCIL

Procedural Matters Which May Only Be Exercised By The Council

1. To agree the Constitution of the Council and any amendments
2. To agree a Scheme of Delegation to Officers and keep the same under review
3. To agree the appointment of the Leader of the Council
4. To appoint the Chair and Vice–Chair of the Council
5. To agree the composition, terms of reference and membership of the Cabinet and all Committees
6. To adopt Rules of Procedures in relation to the matters referred to in Part 5 of this Constitution and to keep them under review
7. To adopt a Code of Conduct for Members and any Employee/Member Protocols
8. To appoint any individual to any outside bodies (except insofar as such appointments can be made by the Cabinet or an individual member of the Cabinet) and revoke any such appointment.
9. To appoint Honorary Aldermen of the District
10. To confirm the appointment of the Head of the Paid Service
11. To designate the Monitoring Officer and Chief Finance Officer (Section 151 Officer)

Retained Items Which May Only Be Determined By The Council

12. To consider and agree the Council's revenue and capital budget.
13. To set the Council Tax levels and the Council Tax Reduction Scheme
14. To set the housing rent level

15. To approve the Council's development plan documents
16. To approve and adopt the policy framework and to agree any statutory or non- statutory strategic policy plans which cover the whole or significant parts of the authority's services. These include the plans and strategies referred to in Article 4.1 of this Constitution.
17. To keep under review Ward boundaries, Community Governance Reviews and to decide the Council's response to any proposals by the Electoral Commission within the District.
18. To approve any Housing Stock Transfer
19. To make amend, revoke or adopt bylaws
20. To promote or oppose local, personal or other bills
21. To determine the Council's scheme for Members allowances after having regard to the Independent Remuneration Panel's report.
22. All local choice functions set out in this Constitution which, the Council decides should be undertaken by itself rather than the Cabinet
23. To make decisions about any matter in the discharge of a Cabinet function where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
24. To approve any special severance payment with a value that exceeds £100,000 (or such other figure if amendment by statute or in statutory guidance).

Regulatory Items for Determination by the Council

25. To receive any Ombudsman reports finding the Authority guilty of maladministration
26. To receive any reports by the Head of Paid Service, Monitoring Officer or the Section 151 Officer

Functions Relating To Elections for Determination by the Council

27. Duty to determine all matters relating to Elections and Electoral registration.

Functions Relating To Name And Status Of Areas for Determination by the Council

28. To change the name of the district or under Section 74 of the Local Government Act 1972.
29. To petition for a charter to confer borough status under Section 245(b) of the Local Government Act 1972.

BODIES APPOINTED BY AND REPORTING TO COUNCIL

(Note – reporting to Council does not imply that a body has to report before it can make a decision – the powers of each body referred to below is set out elsewhere in this Part of the Constitution).

- Overview & Scrutiny Committee
- Audit and Governance Committee
- Planning Committee
- Licensing Committee
- Appointments Panel
- Chief Officers Investigation Committee
- Chief Officers Appeals Committee

CABINET

Matters for Recommendation to Council

1. To recommend to Council a Corporate Plan setting out the Council's objectives and priorities, after consideration of any recommendations of the Council's Overview and Scrutiny Committee, relevant Working Groups and Consultation Groups.
2. To recommend to Council all statutory and non-statutory strategic policy plans which cover the whole or a significant part of the Authority's functions and services after consideration of any recommendations of the Council's relevant Scrutiny Committees, Sub-Committees, Working Groups and Consultation Groups.
3. To recommend to Council capital and revenue budgets and to recommend any variations to it having taken into account any recommendations of the Council's Overview and Scrutiny Committee, Sub-Committees and Working Groups.
4. To recommend to Council the levels of Council Tax, Council Tax
5. To recommend to Council levels of rent and other charges relating to Council owned domestic properties having taken into account any recommendations of the Council's Overview and Scrutiny Committee, Sub-Committees and Working Groups.
6. To recommend to Council any course of action which would be contrary to any strategic policy adopted by the Council.
7. To make such recommendations to this Council as it considers appropriate in relation to any matters which are Matters for Consideration by the Council as set out in this part of the Constitution.

Matters to be dealt with by the Cabinet

The Cabinet is responsible for the discharge of Executive Functions in accordance with the Local Government Act 2000. All functions of the Council are Executive Functions except those reserved by law or by the constitution to the Council or to Council committees.

The exercise of any power shall, where appropriate, take into consideration any recommendation of the Overview and Scrutiny Committee, Sub-Committee, Working or Consultation Group.

8. To agree the provision of financial resources to meet the Council's corporate objectives and to allocate those resources within Council policy between services and priorities.
9. To agree policies and priorities other than those reserved for consideration by the Council, Licensing Committee and, Planning Committee following consultation with the appropriate Scrutiny Committee or Sub-Committee or Working Group of the Council
10. To be responsible and accountable for all functions of the Council not specifically reserved to the Council, any other Committee of the Council, or where delegated to officers.
11. To appoint, determine the composition and terms of reference of any Committee, Sub-Committee or Working Group considered necessary for the carrying out of the functions ascribed to the Cabinet.
12. To consider the Council's position in relation to any proposal for local government restructuring and thereafter make a decision on the most appropriate option/proposal.
13. To monitor regularly the overall performance of the revenue and capital budgets.
14. To monitor regularly the overall performance of the Council in respect of the Corporate Plan and key corporate performance indicators.
15. To decide strategic priorities.
16. To act upon any recommendation contained within the external audit management letter prior to its reference to the Overview and Scrutiny Committee relating to the Cabinet functions.
17. To act upon the annual report by the Internal Auditor where it relates to Cabinet functions prior to its reference to Overview and Scrutiny Committee.
18. To consider virement of financial budget not delegated to officers in accordance with Financial Procedure Rules.
19. To ensure effective corporate management and administration of the Council.
20. To receive reports and give any necessary authorisation for borrowing and treasury management.
21. To set the Council Tax base and approve similar matters relating to National Non Domestic Rates.

22. To consider and determine on any external inspectors report on any area of service provision that relates to Cabinet functions.
23. To consider and agree appropriate Improvement Plans following any external inspections.
24. To authorise the purchase, disposal, or lease of land or buildings for any of the Council's functions or any other management arrangement of the Council's land holdings.
25. To establish corporate standards for the management of health and safety in the operation of all Council business and ensure compliance with these standards.
26. To exercise any of the powers referred to in Schedule 2 to The Local Authority (Functions and Responsibilities) (England) Regulation 2000 insofar as the same are not included in the above list or reserved for determination by the Council or are explicitly the responsibility for a body other than the Cabinet as set out elsewhere in this Constitution.

Other Matters

a) Sub Committees/Working/Consultation Groups appointed by and reporting to the Cabinet.

There are a significant number of such bodies and these are set out under the heading of "Summary of Sub Committees/Working/Consultation Groups" in this part of the Constitution. None of these bodies have decision making powers – being advisory or consultative bodies. In addition the following bodies also report to The Cabinet

- The Planning Committee in respect of planning policy matters
- The Licensing Committee in respect of licensing policy matters

b) Appointment of Substitute Members

Substitute Members cannot be appointed to the Cabinet

c) Lead Officer for the Cabinet

Chief Executive

d) Non-Executive Members

A single member, from the Majority Opposition Group, plus the Majority Group Cabinet Liaison Member, may attend the meeting of Cabinet without voting rights and may also be invited by the Chair, as appropriate, to take part in discussion

e) Number of Members

8 Members

f) Quorum

One quarter (rounded up) of the whole number of members – 2 members

CABINET – DELEGATION TO INDIVIDUAL MEMBERS

Principles

With the agreement of the Leader an individual member can make a key decision in accordance with the urgency provisions set out in the Constitution. Any matter referred to an individual member of the Cabinet for the making of an executive decision can be referred by that member to the Cabinet itself for the decision to be made if the individual member so wishes.

Any executive decision taken by an individual member of the Cabinet will be recorded and will be subject to the Council's scrutiny procedures.

Scope of Delegation

- a) Generally Any decision which can be taken by the Cabinet and which is within the Council's approved policies and budget can be taken by the Cabinet member responsible for the service provided that they are exercising delegated power as determined by the Leader.

- b) Specifically The following decisions can be taken by the Cabinet Member responsible for the relevant portfolio without necessarily consulting the Leader or the Deputy Leader.
 - Approval to any sale of land at a consideration of less than £50,000 (subject to consultation with Local Members).

 - Submitting comments on any consultation papers, reports, information items, progress items or proposed or actual policies of any external bodies (eg Government Policies, Planning Guidance, white and green papers etc). Such matters will be reported in the members Information Bulletin.

 - Fixing of fees and charges in accordance with the budget strategy.

 - Approving all grants within the approved budget but excluding those already delegated to officers.

 - All decisions necessary to enable the Council to implement the Council's agreed Capital Programme.

 - Appointments to external bodies.

Cabinet Member Responsibilities

As determined by the Leader

COMPANY GOVERNANCE CABINET SUB COMMITTEE

Purpose and Function

1. The purpose of the Company Governance Cabinet Sub-Committee is to act as the Shareholder and take decisions in respect of any company in which the Council has an interest.
2. The functions of the Sub-Committee are Executive Functions under the Local Authority (Functions and Responsibilities) England Regulations 2000 and therefore the sub-committee **must** be made up of members of the Council's Cabinet.
3. The sub-committee is to advise and discharge Executive functions in relation to company matters, only Executive members can be members of the Committee with voting rights.
4. Non-Executive members may attend the public meetings without voting rights they may also be invited, as appropriate, by the chair of the sub committee to take part in discussion.

Terms of Reference

5. The sub-committee cannot delegate any of its functions to a sub-group although it may establish sub-groups to look into specific issues, to feed back to meetings of the sub-committee.
6. The Sub-committee shall consider matters reserved to the Council for shareholder approval, such as:
 - a. To monitor performance of the companies, partnerships, and charities in line with Cabinet approved business plans and particular the company's performance:
 - i. in financial matters
 - ii. against the social goals of the company as set out in the company's Objects. Business Case or Business Plan; and against the values of the Council by means of monthly performance monitoring and scrutiny.
 - b. To provide the necessary oversight from the shareholder's perspective and ensure that those companies, partnerships, and charities comply with relevant Council policies, strategies, and objectives.

- c. To exercise decisions in relation to a company, partnership or charity's reserved matters such as
 - i. Varying Articles of Association
 - ii. Varying ownership and structure
 - iii. Variations to shares (number of, rights, etc.)
 - iv. Entering contracts that: are outside of the business plan or do not relate to the business
 - v. Material legal proceedings outside of ordinary business
 - vi. Adopting and amending business plans each year and strategic plans (3 years)
 - vii. Appointment, removal, and the remuneration of directors (members of the company board)
 - viii. Selection of the chair of the board
 - ix. Appointment of auditors
 - x. Payment of dividends as more particularly set out in a company's Articles of Association or Shareholder Agreement and the Companies' Governance Framework.
 - d. To make recommendations to Cabinet in relation to investments, loans, and assets.
 - e. To evaluate and monitor the financial and social returns on investment and risks and opportunities including those arising from joint ventures or new opportunities.
 - f. To oversee the relationships between the Council and the Council's companies, partnerships, and charities, and any such relationships between the Council's companies, partnerships, and charities in accordance with the Council's objectives.
 - g. To review any reports in relation to the Council's companies, partnerships, or charities prior to their submission to the Audit Committee to ensure compliance with Council policies, strategies, and objectives.
 - h. To determine for each individual company, partnership, or charity whether the Shareholder Cabinet Committee recommends to Cabinet the delegation of any functions to the officers of the Council Meeting times
7. The sub-committee will meet no less than 4 times per annum and will adhere to the Council Procedure Rules which are applicable to other Executive meetings.
8. Meetings are open to Members of the public, subject to the statutory exemptions contained in the Local Government Act 1972.

Other Matters

a) The Cabinet

The Company Governance Sub Committee reports to Cabinet

b) Members and Substitutes

The membership shall consist of:

- a. A membership determined by the Leader of the Council, no less than three members made up from the Cabinet
- b. The Leader (or appointee) as chair of the Sub-Committee meetings
- c. A Vice Chair, selected from the members of Cabinet
- d. The Councils Section 151 Officer and Monitoring Officer together with relevant Service Directors and/or Heads of Service relating to the specific shareholdings will be advisors to the Committee.

Substitutes drawn from the Cabinet are permitted.

c) Lead Officer of The Company Governance Sub Committee

Section 151 Officer

d) Number of Councilors

Three members of Cabinet

e) Quorum

3 members

OVERVIEW & SCRUTINY COMMITTEE

1. To approve and keep under review an annual overview and scrutiny work programme.
2. To ensure that there is efficient use of the Committee's time, and that the potential for duplication of effort is minimised and there is no omission in scrutiny of any part of the Council's functions.
3. Where matters fall within the remit of more than one scrutiny committee, to determine which of them will assume responsibility for any particular issue, and to resolve any issue of dispute between scrutiny committees.
4. To receive requests from the Council or the Cabinet or any Committee for reports from scrutiny committees and to prioritise and allocate the request to a scrutiny committee.
5. At the request of the Cabinet to make decisions about the priority of referrals made in the event of reports to the Cabinet exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business.
6. To consider the Forward Plan referred to in the Access to Information Rules to enable advance consideration to be given to any proposed key decisions by one or more scrutiny committee or sub-committee with a view to providing input or advice to the decision maker before key decisions are made.
7. To have the powers of call in and scrutiny in relation to Cabinet decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and known as "Call-in" and challenge such decisions in accordance with the procedure set out in the Scrutiny Procedure Rules set out in Part 5 of this Constitution.
8. To discharge the statutory functions arising under Section 19 Police and Justice Act 2006 relating to issues of crime and disorder and to develop and implement such procedures, protocols and criteria as deemed by the Committee to be appropriate.
9. To support the statutory functions arising under the Police Reform and Social Responsibility Act 2011 through the member nominated to represent the Council on the Police & Crime Panel.
10. To receive requests from members in respect of Councillors' Calls for Action in accordance with procedures, protocols and criteria determined by the Committee having regard to the provisions of the Local Government and Public Health Act 2007

and guidance issued thereunder and to take such action as the Committee considers appropriate.

11. To either

(a) support or object to the proposed decision of the Cabinet; or

(b) to refer the matter back to the Cabinet with comment or recommendation.

Any proposed decision, once called-in, shall not be implemented until either the Overview and Scrutiny Committee has decided to uphold the decision of the Cabinet or, if the decision is referred back to Cabinet, the Cabinet has decided whether or not to implement the proposed decision with or without modification.

12. To scrutinise the Council's progress against the objectives set out in the Council's Corporate Plan and against key corporate performance indicators and to question members of the Cabinet and/or Committees, Directors and senior officers about their decisions and performance.

13. To scrutinise the effectiveness of partner organisations who deliver services on behalf of the Council and BPL.

14. To scrutinise issues of local concern relating to services provided by other public sector bodies particularly those in relation to the overall Health & Wellbeing agenda.

15. To scrutinise key partnerships in our area – whose output affect the quality of life of Bassetlaw residents i.e. the Bassetlaw Newark and Sherwood Community Safety Partnership.

16. To oversee the Council's financial reporting including the scrutiny of the quarterly budget monitoring reports.

17. The Chair of the Overview & Scrutiny Committee to approve reports for inclusion on the Cabinet Agenda where the notification period is less than that specified in the Scrutiny Procedure Rules (Article 5).

Other Matters

a) The Council

The Overview & Scrutiny Committee reports to Council

b) Members and Substitutes

A Member of the Overview & Scrutiny Committee will be the Council's appointed representative on the Police & Crime Panel.

Any Member of Council who is not a Member of the Cabinet may, be appointed as a substitute Member of the Overview & Scrutiny Committee.

c) Lead Officer of the Overview & Scrutiny Committee

Head of Performance and Engagement

d) Number of Members

12 Members

Politically Balanced

e) Quorum

One quarter (rounded up) of the whole number of members – 3 members

HOUSING SCRUTINY SUB-COMMITTEE

1. The Housing Scrutiny Sub-Committee will discharge the Council's statutory functions to undertake overview and scrutiny, insofar as these pertain to housing matters. This will include:
 - a. Reviewing and/or scrutinise any decisions made or actions taken in connection with the discharge of the Council's housing functions;
 - b. Advising Cabinet of key issues/questions arising in relation to any reports containing housing related issues which are due to be considered by Cabinet;
 - c. Making reports and/or recommendations to the Council or Cabinet in connection with the discharge of housing functions;
 - d. Organising an annual work programme, drawing on the knowledge and priorities of the council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised;
 - e. Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements;
 - f. Considering housing matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the Sub-Committee by tenant and resident associations, or members of the general public.
 - g. The Sub-Committee will report annually to the Overview and Scrutiny Committee on its work. The annual report will be communicated to Council via the Overview and Scrutiny Committee Annual Report.

Other Matters

a) The Council

The Housing Scrutiny Committee reports to Council

b) Membership and Substitutes

5 Elected Members to be drawn from the Overview and Scrutiny Committee

Substitute Member(s) in respect of the Elected Members be drawn from the Overview and Scrutiny Committee

4 Co-opted Members who shall be tenants or leaseholders of Bassetlaw District Council

Tenant and leaseholder members shall be co-opted by the Scrutiny Committee following the procedure for election set out in the Overview and Scrutiny Procedure Rules

c) Chair and Vice-Chair

The Chair of the Sub-Committee shall be a Elected Member of Bassetlaw District Council drawn from the Overview and Scrutiny Committee

The Vice Chair shall be one co-opted member of the Sub-Committee

d) Meeting Frequency

The Housing Sub-Committee will meet four times per year

The Sub-Committee may arrange other meetings as and when necessary to consider any urgent issues as well as arranging meetings for detailed scrutiny reviews and challenge sessions.

e) Voting

Co-opted tenant and leaseholder members are voting members in respect of matters concerning the management of the Council's housing stock to be discussed at Part 1 of the agenda.

Co-opted Tenant and leaseholder members may contribute to discussion of other matters to be discussed in Part 2 of the agenda, but shall not have a vote.

f) Lead Officer of the Overview & Scrutiny Committee

Head of Performance and Engagement

g) Quorum

One quarter (rounded up) of the whole number of members – 3 members

AUDIT AND GOVERNANCE COMMITTEE

Statement of Purpose

1. The Audit and Governance Committee is a key component of Bassetlaw District Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit and Governance Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, Risk and Control

3. To review the Council's corporate governance arrangements, against the good governance framework and consider annual governance reports and assurances.
4. 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.
5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
7. To monitor the effective development and operation of risk management in the Council.
8. To monitor progress in addressing risk-related issues reported to the Committee.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

10. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
11. To review the effectiveness of the Council's whistleblowing policy and to review and approve the Council's Regulation of Investigatory Powers (RIPA) policy and procedure and receive reports on the Council's use of RIPA.
12. To monitor the counter-fraud strategy, actions and resources.

Internal Audit

13. To approve the internal audit charter.
14. To review proposals made in relation to the appointment of external providers of internal audit services, and to make recommendations.
15. To approve 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.
16. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
17. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
18. To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - (a) Updates on the work of internal audit including 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 programme.
 - (c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application

Note: considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.

19. To consider the Head of Internal Audit's annual report:
 - a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
 - b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement.
20. To consider summaries of specific internal audit reports as requested.
21. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
22. To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
23. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit (England) Regulations 2011.
24. To support the development of effective communication with the Head of Internal Audit.

External Audit

25. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
26. To consider specific reports as agreed with the external auditor.
27. To comment on the scope and depth of external audit work and to ensure it gives value for money.
28. To commission work from internal and external audit.

29. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

30. To consider and approve the annual statement of accounts. Specifically, to consider, whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
31. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Treasury Management

32. To develop greater awareness and understanding of treasury matters among the Committee Members.
33. To review the treasury management policy and procedures to be satisfied that controls are satisfactory.
34. To receive regular reports on activities, issues and trends, to support the Committee's understanding of treasury management activities.
35. To review the treasury risk profile and adequacy of treasury risk management processes.
36. To review assurances on treasury management via internal audit, external audit, or other review.

Accountability Arrangements

37. To report to those charged with governance on the Committee's findings, conclusions and recommendations, concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements and internal and external audit functions.
38. To report to full council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

Standards of Conduct

39. To promote and maintain high standards of conduct by Members and Co-opted Members of the Council.
40. To advise and assist Parish Council(s) and Parish Councillors to maintain high standards of conduct and to make recommendations to Parish Councils on improving standards or on actions following a finding of failure by a Parish Councillor to comply with the Code of Conduct.
41. To conduct hearings on behalf of Parish Councils as and when required.
42. To advise the Council on the adoption or revision of the Members' Code of Conduct.
43. To receive reports from the Monitoring Officer and assessing the operation and effectiveness of the Members Code of Conduct. The Monitoring Officer shall report the outcome of all complaints to the Committee, including those complaints which failed the Initial Intake Test and Assessment Test.
44. To advise, train or arrange training for Members and Co-opted Members on matters relating to the Members' Code of Conduct.
45. To hear and determine complaints about Members and Co-opted Members referred to it by the Monitoring Officer in respect of alleged breaches of the Member Code of Conduct
46. To maintain oversight of the Council's arrangements for dealing with standards complaints.
47. To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaint.
48. To grant dispensations after consultation with the Independent Person pursuant to S33(2) (b), (c) and (e) of the Localism Act 2011
49. To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to S33(2)(a) and (d) of the Localism Act 2011.

Constitution

50. The committee shall keep the constitution under review and recommend any changes to the constitution to Council as appropriate.

Other Matters

(a) Audit and Governance Committee

The Audit and Governance Committee reports to Council.

The Standards sub-committee reports to the Audit and Governance committee.

(b) Appointment of Substitute Members

Any named Member of the Council, who is not a Member of the Cabinet, may be appointed as a substitute Member of the Audit Governance Committee.

(c) Sub-Committees/Working/Consultation Groups appointed by and reporting to the Audit and Governance Committee

The Audit and Governance Committee may appoint a sub-committee to conduct a Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct.

The Chair and any member of the Standards sub-committee must be a member of the Audit and Governance Committee.

The Audit and Governance Committee may appoint a Constitution Working Group to make recommendations on any potential amendments to the constitution.

(d) Monitoring Officer

Unless otherwise restricted by legislative or regulatory provision the Audit and Governance Committee may delegate any of its functions relating to Standards to the Monitoring Officer.

(e) Lead Officers

Director of Corporate Resources and Head of Finance and Property

(f) Number of Members

9 Members

Politically Balanced

(g) Quorum

One quarter (rounded up) of the whole number of members – 3 members

STANDARDS SUB-COMMITTEE

1. To conduct hearings on behalf of the Audit and Governance Committee following complaints received against district councilors or parish Councillors, relating to the Members Code of Conduct.
2. Following a Hearing, the Sub-Committee may make one of the following findings:
 - (i) That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing
 - (ii) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing
 - (iii) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.
3. The Sub-Committee may impose any action or combination of actions available to it as set out in the Council's Code of Conduct Complaints Procedure, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.
4. After making a finding the sub-committee shall, as soon as reasonably practicable provide written notice of its findings and the reasons for its decision to the Member and complainant.

Other Matters

(a) The Audit and Governance Committee

The Standards Sub-Committee reports to the Audit and Governance Committee.

(b) Membership

3 Members, drawn from the Audit and Governance Committee on a politically proportional basis.

Where the subject member is a Parish/Town Councillor, another Parish or Town Councillor who is not connected to the Subject Member will be co-opted as a non-voting member of the Sub-Committee

(c) Training

A member appointed to the Audit and Governance Committee may not speak and/or vote at a meeting of the Committee of the Standards Sub-Committee in relation to an investigation and/or taking action on a complaint until they have undertaken appropriate training approved or organised by or on behalf of the Council.

(d) Lead Officer

The Monitoring Officer

(e) Number of Members

A minimum of 3 and a maximum of 6 members. It must be politically balanced.

At least 1 member must be a member of the Audit & Governance Committee who will act as Chair

Any member appointed to the sub-committee must have completed relevant training.

PLANNING COMMITTEE

1. To advise the Cabinet on the proposed implementation of the Development Plans and other planning policies.

Within the planning policies laid down by the Council to deal with the following matters:-

2. To carry out all duties relating to the making of determinations of planning applications.
 - 4.1 To exercise powers relating to the protection of important hedgerows and matters relating to High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.
5. To consider and determine planning applications including applications for:-
 - (i) permission to develop land or premises
 - (ii) Consent to display advertisements
 - (iii) Listed building consent
 - (iv) Conservation area consent
 - (v) Approval of reserved matters
6. To determine planning applications to develop land without compliance with conditions previously attached.
7. To determine applications for planning permission for development already carried out.
8. To consider and determine notifications about agricultural and telecommunications development.
9. To decline to determine applications for planning permission.
10. To authorise the making of Tree Preservation Orders and deal with applications for consent to carry out works to protected trees.
11. To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.

12. To exercise the powers available to the Council, (including the service of any planning contravention notice, breach of condition notice, stop notice or enforcement notice, the authorisation of any legal proceedings, including the seeking of injunctions to restrain a breach of planning control, the carrying out of works in default, or otherwise), in relation to any of the following matters:-
 - (i) breaches of planning control;
 - (ii) unauthorised works to listed buildings or buildings within conservation areas;
 - (iii) advertisement controls;
 - (iv) contraventions of Tree Preservation Orders or unauthorised works to trees in conservation areas;
 - (v) remedying land in an untidy condition;

13. To authorise legal proceedings in respect of offences arising in connection with any of the following matters:-
 - (i) Requisitions for Information
 - (ii) Certificates of Ownership in relation to Planning applications
 - (iii) Planning Contravention Notices

14. To determine and act upon matters relating to:-
 - (i) Completion Notices;
 - (ii) Revocations or Modifications;
 - (iii) Certificates of appropriate alternative development;
 - (iv) Building Preservation Notices;
 - (v) Appeals (including members appearing as a witness at a Public Inquiry)
 - (vi) Areas of special control

15. To authorise the stopping-up or diversion of footpaths and bridleways in order to facilitate development pursuant to powers contained in the Town and Country Planning Act 1990.

16. To give authority to negotiate, accept, and to enter into any agreements in relation to the provision of undertakings pursuant to Section 106 of the Town and Country Planning Act 1990.

17. The passing of an operative resolution for deemed planning permission for development by the Council or development on Council land.

18. To designate conservation areas or to amend the boundaries of existing conservation areas.
19. To make directions under Article 4 of the Town and Country Planning General Development Order and to authorise their submission to the Secretary of State for the Environment for confirmation.
20. To exercise powers relating to contaminated land.
21. To determine applications for hazardous substances consent and related powers.
22. To exercise powers relating to the control of pollution of land.
23. To exercise powers relating to the protection of important hedgerows.
24. To exercise powers to assert and protect public rights of way.
25. To issue certificates of existing or proposed lawful use or development.
26. To serve a repair notice under the Planning (Listed Buildings and Building in Conservation Areas) Act 1990 except for the purchase of a listed building which shall be the function of the Cabinet Committee.
27. To exercise any of the powers referred to: Part A and I of Schedule 1 to The Local Authority (Functions and Responsibilities) (England) Regulations 2000 insofar as the same are not included in the above list or reserved for determination by the Council elsewhere in this Constitution and without prejudice to the exercise of such powers by officers under their delegated powers.

Other Matters

a) The Council

The Planning Committee reports to the Council.

The Planning Committee reports to the Cabinet on planning policy matters.

b) Sub-Committees/Working/Consultation Groups appointed to The Planning Committee

None

c) Appointment of Substitute Members

Substitute Members cannot, be appointed to the Planning Committee.

d) Training

A member appointed to the Planning Committee may not speak and/or vote at a meeting of the Committee in relation to any planning matter until they have undertaken training on an annual basis approved or, organised by or on behalf of the Council.

e) Appeals

If the Planning Committee makes any decision contrary to the Officer recommendation then a recorded vote will be taken and minuted. The Planning Committee's reasons for refusal will be agreed and the wording of those reasons approved at a subsequent meeting of the Planning Consultation Group.

Where a Planning Appeal results which is dealt with by way of Public Inquiry the Council will require a member of Planning Committee who voted in favour of the decision to act as a witness at the Inquiry.

f) Lead Officer

Head of Planning and Place

g) Number of Members

12 Members

Politically Balanced

h) Quorum

One quarter (rounded up) of the whole number of members – 3 members

PLANNING CONSULTATION GROUP

1. The Planning Consultation Group is an advisory body comprising the Chair, Vice-Chair and the main Opposition Spokesman on the Planning Committee (each of whom when not available can, be substituted by any other member of the Planning Committee) plus one other member of the Planning Committee selected in rota.

2. The function of the Group is to enable the Head of Planning and Place to seek member level advice on whether to use any of their delegated powers particularly (but not exclusively) where:
 - (a) an application is significantly not in accordance with the provisions of Government guidance or an approved or draft development plan; or
 - (b) there are extant objections or unresolved High Hedges complaints; or
 - (c) enforcement matters where
 - (i) breach of planning control is not a breach of condition of an existing planning permission; or
 - (ii) no further action is proposed regarding a breach reported by a member of the public; or
 - (iii) a related planning application to regularise a breach is to be referred to the Planning Committee; or
 - (iv) in the case of unauthorised advertisements or signs a related application for consent is to be referred to the Planning Committee.
 - (d) Approve the wording of reasons for refusal in relation to overturn of officer recommendations.

Other Matters

(a) Lead Officer

Head of Planning and Place

LICENSING COMMITTEE

1. To secure the efficient discharge by the Council and its Licensing Panels, of its licensing responsibilities under the Licensing Act 2003 and the Gambling Act 2005 and in connection with applications for the following licences, permits and registrations (including the setting of any fees or charges payable in connection with such matters) to the extent that these matters have not been delegated to a Licensing Panel or officer
 - Acupuncture, Ear Piercing, Electrolysis & Tattooing
 - Animal Boarding Establishments
 - Caravan Sites Dangerous Wild Animals Dog Breeders Game Dealer
 - Game Keepers
 - Game to Kill
 - Greyhound Racetracks
 - Hackney Carriage Drivers and Vehicles
 - House to House Collections Houses in Multiple Occupation Hypnotis
 - Licences and permits under the Gambling Act 2005
 - Licences, permits and certificates under the Licensing Act 2003
 - Loudspeakers in Streets Massage or Special Treatments Motor Salvage
 - Operators Pet Shops
 - Pleasure Boats
 - Pool and Track Betting
 - Private Hire Drivers and Operators and Vehicles
 - Riding Establishments
 - Scrap Metal Dealers
 - Sex Establishments
 - Street Collections
 - Street Trading Consents and Licences
 - Zoos

2. To consult appropriate persons and bodies in connection with any licensing matter falling within its Terms of Reference and, where in the context of any application, any objections or representations to the licence, permit or registration have been received from any person or body so consulted, to determine the application concerned.

3. To consider and authorise relevant steps for the revocation or suspension of any licence, permit or registration falling within its Terms of Reference, taking into account any recommendation from any other body of the Council.

4. To exercise any of the powers referred to in Parts B & C of Schedule 1 to The Local Authority (Functions and Responsibilities) (England) Regulations 2000 insofar as the same are not included in the above list or reserved for determination by the Council and without prejudice to the exercise of such powers by Officers under the delegated powers.

Other Matters

(a) The Council and the Cabinet

The Licensing Committee reports to the Council on licensing policy matters.

(b) Sub-Committees appointed by and reporting to Licensing Committee

Licensing Sub Committee's

A Licensing Panel shall be authorised to determine the following matters in accordance with the relevant policies and the Scrap Metal Dealers Act 2013 but the right shall be reserved for the Licensing Committee to deal with these matters where considered appropriate.

Licensing Act 2003:

1. Application for a personal licence where there is a police objection
2. Application for a personal licence where the applicant has unspent convictions or to review a Personal Licence where the holder has been convicted of a relevant offence.
3. Application for a premises licence/club premises certificate if a relevant representation is made
4. Application for a provisional statement if a relevant representation is made
5. Application to vary premises licence/club premises certificate if there is a police objection
6. Application for the transfer of a premises licence if there is a police objection
7. Application for interim authority if there is a police objection
8. Application to review premises licence/club premises certificate
9. Whether to object when the Council is a consultee
10. Determination of a police representation to a temporary event notice

Gambling Act 2005

1. Applications

- For a premise licence (including application for reinstatement under Section 195)
- To vary a premise licence
- For a provisional statement
- For transfer of a premise licence

In all the above cases

- Where a representation has been made and not withdrawn
- Where the Licensing Authority considers that a condition should be added or a default condition excluded

2. Review of a Premises Licence

3. Consideration of Temporary Use Notices where an objection notice has been received or in all cases where a counter notice may be required.

4. Application for a Club Gaming Permit or Club Machine Permit (including renewals and variations) where an objection has been made and not withdrawn or where refusal of a permit is proposed on grounds listed in Schedule 12 to the Act.

5. Application for:

- Family Entertainment Centre Gaming Machine Permits
- Licensed Premises Gaming Permits
- Prize Gaming Permits and renewals

6. Where a notice of intended refusal has been served

- Cancellation under Schedule 13 and variation of Licensed Premises Gaming Machine permits where a permit holder requests a hearing under Schedule 13
- Application for the removal of automatic entitlement to 2 gaming machines and/or exemption for certain gaming premises licensed to sell alcohol under section 284

Scrap Metal Dealers Act 2013

1. A Licensing Panel shall be authorised to determine applications for site licences and collector's licences where, due to any representation received or otherwise, there is a question as to the suitability of the applicant to hold a licence.
2. A Licensing Panel shall be authorised to take the following steps on behalf of the Licensing Committee;
 - The power to revoke or impose conditions of a licence.
 - The power to refuse an application, or revoke or vary a licence.
 - The power to consider any representations made by an applicant or existing licence holder, including hearing any oral representations.
 - The power issue notices setting out the decision and reasons in respect of the refusal of an application or the revocation or variation of a licence.

Hackney Carriage and Private Hire Licenses

1. To deal with the following matters referred to it by the Licensing Department under the Hackney Carriage and Private Hire Licensing Policy;
 - a. To determine applications
 - b. To determine reviews in relation to the licensing of private hire and hackney carriage drivers,
 - c. To determine reviews in relation to the licensing of operators
 - d. To determine reviews in relation to the licensing of vehicles except where those functions have been delegated to officers under the Council's Hackney Carriage and Private Hire Licensing Policy.

Sex Establishments

1. To determine contested applications or transfers of a Sex Establishment Licence pursuant to Local Government (Miscellaneous Provisions) Act 1982 (as amended) under Councils Sexual Establishment Policy and Procedure
2. To review licenses referred to it by the Licensing Department

(c) Appointment of Substitute Members

Substitute members cannot be appointed to the Licensing Committee.

(d) Training

A member appointed to the Licensing Committee may not speak and/or vote at a meeting of the Committee in relation to any licensing matter until they have undertaken training on an annual basis approved or organised by or on behalf of the Council.

(e) Lead Officer

Lawyer Licensing & Regulatory

(f) Number of Members

12 Members

Politically Balanced

(g) Quorum

One quarter (rounded up) of the whole number of members – 3 members

LICENSING SUB-COMMITTEE

1. A Licensing Sub-Committee consist of three Members from the Licensing Committee.
2. The Sub-Committee is not required to be politically balanced and Members of the Sub-Committee are chosen on the basis of availability.
3. Prior to serving on any Sub-Committee, each Licensing Committee Member must receive such formal training and subsequently refresher training in the licensing system as determined by the Council.
4. Members of the Licensing Committee may not sit on a Sub-Committee in relation to a matter concerning a premises, activity or event which is within their Ward.
5. If the Chairman or Vice-Chairman of the Licensing Committee is sitting on the Sub-Committee they will be Meeting Chairman unless they decline. If neither are present or they decline, the first item of business of the Sub-Committee will be to elect a Chairman.
6. A Licensing Sub-Committee will be convened where a duty arises for a hearing to be held to make determinations pursuant to Licensing Committee functions.
7. The relevant procedural information will be provided to those entitled to speak at a hearing when notice of the hearing is given.
8. The Licensing Sub-Committee will be assisted by a Legal Advisor.
9. The procedure for Licensing Sub-Committee meetings are subject to procedures which to be determined by the Licensing Committee and legislative requirements for example,
 - a. the Licensing Act 2003 (Hearings) Regulations 2005; and,
 - b. the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007.
10. Due to the nature of Meetings, the Sub-Committee Minutes (Record of Proceedings) will be circulated after the meeting to the three Members of the Sub-Committee for them to approve as a true and correct record. Once approved, the Chairman's signature will be applied to the minutes.

Other Matters

(a) The Council and the Cabinet

The Licensing Sub-Committee reports to the Licensing Committee

(b) Training

A member appointed to the Licensing Sub-Committee may not speak and/or vote at a meeting of the Committee in relation to any licensing matter until they have undertaken Licensing Committee training on an annual basis approved or organised by or on behalf of the Council.

(c) Lead Officer

Lawyer Licensing & Regulatory

(d) Number of Members

3 Members

Politically Balanced where possible

(e) Quorum

3 members

APPOINTMENTS COMMITTEE

1. Within relevant legislation, Council policies and agreed appointment procedures to make appointments to posts of Directors and Heads of Service within the Council's agreed officer structure, or, for appointments of Heads of Service (where agreed by the Chair), to delegate to the Head of Paid Service.
2. Within relevant legislation, Council policies and agreed appointment procedures to recommend to Council the appointment for the position of Chief Executive.

Other Matters

(a) The Council

The Appointments Committee reports to the Council

(b) Appointment of Substitute Member

Any Member of Council can act as a substitute Member on the Appointments Panel.

(c) Training

A member appointed to the Appointments Committee may not speak and/or vote at a meeting of the Committee in relation to an appointment until they have undertaken annual training approved or organised by or on behalf of the Council. This requirement also applies to substitutes.

(d) Lead Officer

Chief Executive

(e) Number of Members

9 Members

Politically Balanced

(f) Quorum

One quarter (rounded up) of the whole number of members – 3 members

STATUTORY OFFICERS' INVESTIGATION AND DISCIPLINARY COMMITTEE

Statement of Purpose

1. Members shall be appointed to the committee, as and when a committee is required to be convened, under the normal processes for making appointments to committees (via group leader/whip notification to the Monitoring Officer). In accordance with the Model Disciplinary Procedure contained in the JNC Handbook for Chief Executives, Investigation and Disciplinary Committee (“IDC”) meetings shall be convened by the Monitoring Officer (in consultation with the Head of People and Culture) who will, in consultation with the Chair of the IDC, filter out and deal with allegations which are clearly unfounded, trivial or can best be dealt with under some other procedure. If the complaint is about the Monitoring Officer then this will be done by the Chief Executive.
2. For consistency, unless unavoidably indisposed or conflicted, once appointed, the same Members shall comprise the committee (and any adjournment of it) over the course of the full consideration of the matter (and any related matter) that it has been convened to consider, until such time as the matter is disposed of.
3. To consider allegations/issues regarding disciplinary matters relating to the designated Statutory Officers of the Council (the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer) (the ‘DSOs’) and to authorise initial investigation.
4. To appoint an Independent Investigator (“II”) to investigate allegations of misconduct against any DSO and to commission reports from an II.
5. To determine appropriate action upon receipt of any preliminary investigation.
6. To decide whether to suspend a DSO and to review decisions taken to suspend a statutory officer.
7. To determine what action should be taken against a DSO following an investigation. This could include action short of dismissal or dismissal.
8. In the event that the Committee recommends dismissal then that recommendation shall be referred to the Independent Persons Panel prior to being referred to Council for a determination in accordance with the Staff Employment Procedure Rules.

9. With the exception of a decision to recommend to Council that a DSO be dismissed, there shall be a right of appeal to the Disciplinary Appeals Committee against any decisions made by the Committee to take disciplinary action against a DSO.

Procedure for Investigation and Disciplinary Committee

Investigation

1. It is in the interests of all parties that the proceedings be conducted expeditiously and fairly.
2. In the exercise of its function, the Committee is to receive and consider any complaint/allegations made. It may:
 - (a) make such enquiries of the relevant officer or any other person as it considers appropriate;
 - (b) request additional information, explanations or documents from any person;
 - (c) invite or receive representations from any person.
3. The Committee having carried out such steps as it considers appropriate and having heard representations from the DSO or his or her adviser shall decide whether the issues:
 - (a) require no further formal action, or
 - (b) should be referred to an II.
4. In considering whether the threshold in deciding to appoint an II has been met the Committee will assess whether:
 - (a) if the allegations are proved it would be such as to lead to the dismissal or other action which would be recorded on the DSO's personal file;
 - (b) there is evidence in support of the allegation/issue sufficient to require further investigation.
5. In deciding whether the threshold for the appointment of an II has been reached the Committee may carry out such preliminary investigations as it considers appropriate or necessary or authorise officers to do so. This shall be solely for the purpose of establishing whether or not the threshold for appointing an II to carry out an investigation has been met.

6. Before deciding to appoint an II or suspend a DSO the Committee shall invite the representations of the DSO unless it is impracticable to do so.
7. The DSO shall have the right to be accompanied at the Committee Meeting.

Receiving the II's Report/ Hearing

1. The Committee should receive any report produced by an II in relation to a DSO within one month of the receipt of the report by the Council.
2. The DSO shall have the right to attend and be accompanied at the Committee Meeting which considers the II's report.
3. The Committee shall consider the II's report and shall invite representations from the DSO and/or their representative. The Committee may impose disciplinary sanctions as set out in the Council's disciplinary procedures, the JNC Terms and Conditions Handbook for Chief Officers and the JNC Terms and Conditions Handbook for Chief Executives. In conducting any hearing the Committee shall have regard to the model disciplinary procedure in the JNC handbook for Chief Executives.

Independent Persons Panel

1. If, following a disciplinary investigation, there is a recommendation to dismiss the Chief Executive, the reports of the Committee and the Independent Investigator should then be sent to the Independent Panel for its consideration prior to advising the Council.
2. The Independent Persons Panel shall be appointed as and when required and to comprise the Council's current Independent Person (appointed to the Standards Sub-Committee under the Localism Act 2011) or if necessary, such Independent Persons appointed by another authority and nominated by the Council for this purpose.
3. The Independent Persons Panel shall provide independent advice, views and recommendations to full Council in relation to any proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Section 151 Officer on the grounds of conduct, capability or some other substantial reason.
4. The Independent Persons Panel shall comprise of a minimum of 2 persons
5. The Committee shall take into account any advice, views or recommendations of the Independent Persons Panel.

Decision

1. If the Committee decides that the DSO shall be dismissed the Full Council shall consider the Committee's recommendation of dismissal. Prior to consideration by Full Council the Independent Persons Panel shall consider the matter and the Proper Officer shall give all members of the Cabinet the opportunity to raise any objections prior to the decision. This process is governed by the Staff Employment Procedure Rules set out in this Constitution.
2. In the case of any disciplinary action other than dismissal the DSO may appeal to the Appeals Committee against the decision.

Suspension

1. If a DSO has been suspended for a period of 2 months (or in the case of a decision to suspend taken under urgency provisions) then the Committee shall review that suspension. The Committee shall continue to review any continuing suspension every 2 months. In carrying out such review the Committee shall consider any representations made by the II and the DSO and/or their representative.

Other Matters

(a) The Council

The Statutory Officers Investigating Committee reports to Council

(b) Appointment of Substitutes

Any Member of Council can be appointed as a substitute Member other than a Member of the Council's Appeals Committee.

(c) Miscellaneous

The Committee must be politically balanced

(d) Training

A member appointed to the Chief Officers Investigating Committee may not speak and/or vote at a meeting of the Committee until they have undertaken annual training approved or organised by or on behalf of the Council. This requirement also applies to substitutes.

(e) Lead Officer

As appropriate.

(d) Number of Members

3 Members

Politically Balanced

(e) Quorum

3 members

APPEALS COMMITTEE

1. To hear and determine Appeals in accordance with the Council's (HR) employment procedures in respect of grievances, discipline (including dismissal) and grading (in respect of chief officers and heads of service only, save for the chief executive, section 151 officer and monitoring officer in which case it will only hear and determine appeals against actions short of dismissal).
2. To hear and determine Appeals in accordance with the Council's Disciplinary Policy and Procedure in respect of the dismissal of an employee, unless delegated to the Head of Paid Service.

Other Matters

(a) Remit of Appeals Committee

In deciding appeals, the Appeals Committee, has an absolute discretion to allow or turn down any appeal in whole or part. In doing so, it may attach recommendations or, draw attention to matters arising out of the appeals process or, proceedings which it considers appropriate for consideration by the appropriate person or, body competent to act on behalf of the Council.

For the avoidance of doubt the Appeals Committee shall, wherever and whenever possible and practicable deal with appeals by way of a new hearing of the matter before it. In doing so shall be competent to consider evidence which may not have been presented or available to the body or person which or, who made the decision which is the subject of the appeal proceedings.

(b) The Council and the Cabinet

The Appeals Committee reports to Council and in addition it may make recommendations etc. in accordance with its remit to Cabinet or other person or body which it considers competent to act on behalf of the Council.

(c) Appointment of Substitute Members

Any member of Council can act as substitute Member to the Appeals Committee except, a Member involved in making the decision which is the subject of the appeal.

(d) Training

Any member appointed to the Appeals Committee cannot speak and/or vote at a meeting of the Committee in relation to an appeal until they have undertaken annual training approved or agreed by or on behalf of the Council.

(e) Lead Officer

Head of Legal and Governance (Monitoring Officer)

(f) Number of Members

3 Members

Politically Balanced

(g) Quorum

3 members

INTRODUCTORY TENANCIES APPEAL BOARD

1. To consider and determine appeals against the Council's decision to seek an Order for Possession of a dwelling-house let under an Introductory Tenancy.
2. To consider and determine any appeal against a Council decision relating to its Housing function in accordance with any relevant policy, procedure or protocol.

Other Matters

(a) Parent Body

The Introductory Tenancies Appeal Board reports to Cabinet.

(b) Appointment of Substitute Members

Any member of Council may act as a substitute Member to this Appeal Committee unless, they were involved in making the decision which forms the subject of the appeal.

(c) Lead Officer

Head of Legal and Governance (Monitoring Officer)

(d) Number of Members

Panel of 8 Members

Politically Balanced

(e) Quorum

One quarter (rounded up) of the whole number of members – 3 members

JOINT EMPLOYEE COUNCIL

Objective

1. The objective of the Bassetlaw District Council Joint Employee Council (hereinafter called the Joint Employee Council) is to provide a regular method of consultation between representatives of the Council and representatives of the Council's employees, with the objective of providing an efficient service to the public and to maintain good relations

Membership

2. The Joint Employee Council shall consist of representatives of the Council and the Trade Union, who will be appointed annually and shall be eligible for re-appointment.

The membership shall comprise:-

(a) The Employees Side:

- 4 Unison,
- 1 GMB,
- 1 Unite

(6 Trade Union Representatives in total).

(b) The Employers' Side

- Six elected Members (to include "ex-officio" Members) drawn from Bassetlaw District Council, appointed annually subject to such representatives' eligibility in conformity with the requirements of the Local Government Act 1988.
 - Two Officers (to include those with "ex-officio" status), one of whom shall be the HR Services Manager.
3. In the event that a representative from any side is unable to attend a meeting of the JEC, that representative may nominate a substitute to attend on their behalf, provided that the substitute is drawn from the same area of representation as the member unable to attend.
 4. If a member of the Joint Employee Council ceases to be a Member or an employee of Bassetlaw District Council, such person thereupon ceases to be a member of the JEC.

Any consequential vacancy shall be filled by the Council or the employees, as appropriate.

Roles

5. A Chair and Vice-Chair shall be appointed at the first meeting of the JEC in any District Council year. If the Chair so appointed is a member of the Employer's Side then the Vice-Chair shall be appointed from the Employees' Side, and vice versa.
6. In the absence of both the Chair and Vice-Chair from any meeting, the Council shall appoint a Chair for the meeting.

Functions

7. Both sides shall appoint a Secretary and the Secretary to the Employers' side shall be the Head of Human Resources and organisational Development, who shall also act as Lead Officer and Secretary to the JEC. The business of the JEC shall be restricted to consultation on matters that are significant or sensitive authority-wide issues related to the ongoing maintenance and improvement of good employee relations, As such, it is not a decision-making body. The authority to make decisions is set out in the Constitution which sets out specifically to whom decisions are delegated.
8. Consultation is a process by which the Council and staff, through their representatives, jointly examine and discuss issues involving the genuine exchange of views and information. The object of consultation is for the Council to make the best decision, having had the benefit of hearing the views of the Employees' Side and the Employers' Side.
9. No question of individual discipline, grievance, promotion or relegation shall be within the scope of the JEC.
10. Negotiation of contractual matters shall not be within the scope of the JEC, although consultation may take place on such matters.
11. The existence of the JEC does not interfere with the trade unions' arrangements for separately representing their members, nor does it prevent the employer consulting separately in relating to either corporate or local matters, where it is deemed to be appropriate.

Meetings

12. The JEC shall meet as and when required but not less than quarterly, providing there is sufficient business to justify the calling of a meeting. The quarterly meeting dates shall be fixed by the JEC at its first meeting in the municipal year. The Chair shall have the power to cancel a meeting in the event that there is insufficient business to justify continuing with the meeting.
13. The Chair and Vice-Chair may, by agreement with each other, call a meeting at any time.
14. Matters initiated by the Employee Representatives for inclusion on the Agenda of the next meeting shall be submitted in writing to the Secretary to the JEC at least ten working days before the anticipated date of the meeting
15. If a matter of urgency arises during the ten working days before the agreed date of the meeting, either side of the JERC, through their Secretary, after consultation with the Chair and Vice-Chair of the Committee, may have the matter placed before the Committee.
16. The notice summoning the meeting shall be forwarded to members of the JEC at least five working days prior to the meeting.

Procedure

17. One Employees' representative, one Employers' representative (Member) and one Employers' representative (Officer) shall constitute a quorum.
18. Agreement to a recommendation shall be determined by the casting of two votes, one from The Employees' side and one from the Employers' side. The result of each side's vote shall be determined by the agreement of a majority of the members on that side.
19. Either side may, through the Chair and Vice-Chair, request the attendance at meetings of the JEC or such other persons as may be required to act in an advisory and/or consultative capacity. Such persons shall not take part in the voting process. Advisors may speak on items by agreement of the Council.
20. A report of the proceedings of any meeting of the JEC (which shall form the Minutes of the meeting) shall be submitted to the Cabinet Committee, but before submission the

report shall be agreed by the Chair and Vice-Chair. This report will also be circulated to all Members of the JEC. Any resolutions in such a report shall be subject to the approval of the Council.

21. A Book of Minutes of the Council shall be kept by the Secretary to the JEC and shall be signed at each meeting by the Chair and Vice-Chair.
22. Following Consultation with members of the JEC, the head of Human Resources and Organisational Development shall refer the matter for determination to the Cabinet or other body/person to whom authority has been delegated, in accordance with the Constitution. In doing so, they shall set out the views of the JEC, including whether agreement has been reached. In the event of a failure to reach agreement, the Head of Human Resources and Organisational Development shall articulate to the decision-making person/body the differing views of the JEC, in consultation with the Chair and Vice-Chair of the JEC.

Other Matters

(a) Lead Officer

Head of People and Transformation

(b) Number of Members

6 Members

Politically Balanced

(c) Quorum

One quarter (rounded up) of the whole number of members – 2 members

COUNCIL'S HEALTH & SAFETY COMMITTEE

Objective

1. The objective of the Bassetlaw District Council's Safety Committee is to provide a means for joint consultation between representatives of the District Council and representatives of its employees to consider matters relating to Health, Safety and Welfare at Work, and generally further the maintenance of good relations.

Membership

2. Members of the Council's Safety Committee shall be appointed annually and shall be eligible for re-appointment.
3. If a member of the Council's Safety Committee ceases to be a Member of the District Council or an employee employed by the District Council, such person thereupon ceases to be a member of the Council's Safety Committee. Any consequential vacancy shall be filled by the District Council or the employees, as appropriate.
4. In the event of any member of either side being unable to attend any meeting of the Council's Safety Committee, another representative may be appointed to attend in his place, provided that the substitute is drawn from the same area of representation as the member unable to attend.

Appointment of Substitute Members

5. Any Member of Council may act as a substitute Member.

Chair and Vice-Chair

6. A Chair and Vice Chair shall be appointed at the first meeting of the Council's Safety Committee in any District Council year. If the Chair so appointed is a member of the Employer's Side then the Vice-Chair shall be appointed from the Employees Side, and vice versa.

Functions

7. The functions of the Council's Safety Committee shall be:
 - (a) To establish regular methods of negotiation between the District Council and its employees in order to promote a reasonable Health, Safety and Welfare environment.

- (b) To consider any relevant matters referred to it by the Cabinet or by any of the employee organisations, in respect of Health, Safety and Welfare.
- (c) To make recommendations to the Cabinet.
- (d) To ensure that the employees may be given a wider interest in, and greater responsibility for, the conditions under which their work is performed.
- (e) To consider relevant matters relating to Health and Safety, namely:-
 - Health and Safety Inspections
 - Annual Safety Report
 - Accidents/Incidents
 - Safety Audits
 - Safety Training
 - Policy Development/Review
 - Health and Safety Developments
- (f) To make suggestions for promoting the efficiency and success of the Council's Services as affected by Safety and Welfare and to secure to co- operation of all concerned to those ends.
- (g) To discharge such other functions as may be specially referred to it by the District Council.

Meetings

8. The Council's Safety Committee shall meet as and when required but not less than quarterly. The Chair and Vice–Chair may call a meeting at any time. The quarterly meeting dates shall be fixed by the Council's Safety Committee at its first meeting in the municipal year.
9. A special meeting shall be called within ten working days of the receipt by the Secretary to the Council's Safety Committee of the a requisition signed by not less than one-third of the members of either side.
10. The matters to be discussed at any meeting of the Council's Safety Committee shall be stated upon the notice summoning the meeting.
11. Matters initiated by the Employer Representatives for inclusion on the Agenda of the

next meeting shall be submitted in writing to the Secretary to the Council's Safety Committee at least ten working days before the anticipated date of the meeting.

12. If a matter of urgency arises during the ten working days before the agreed date of the meeting, either side of the Council's Safety Committee, through their Secretary, after consultation with the Chair and Vice-Chair of the Committee, may have the matter placed before the Committee.
13. The notice summoning the meeting shall be forwarded to Members of the Council's Safety Committee at least five working days prior to the meeting.

Procedure

14. The quorum of the Council's Safety Committee shall be three representatives comprising membership from both sides.
15. No resolution shall be regarded as carried unless it is approved by a majority of the members present on each side. In the event of the Council's Safety Committee being unable to arrive at an agreement or the Cabinet or the Employee Representatives disagreeing with a recommendation of the Committee, the matter shall be adjourned for reconsideration at the next meeting and then, if necessary, be referred to the Regional Joint Council in accordance with the Constitution of that body.
16. The Chair shall have a vote, but not a casting vote.
17. In the absence of both the Chair and Vice-Chair from any meeting, the Committee shall appoint a Chair for the meeting.
18. Both sides shall appoint a Secretary and the Secretary to the Employer's Side shall be the Head of Human Resources who shall also act as Secretary to the Council's Safety Committee.
19. Either side may require the attendance at meetings of the Council's Safety Committee of such other persons as may be required to act in an advisory and/or consultative capacity. Such persons shall not vote on any question, but shall receive Notices, Agendas and Minutes upon request. Advisors may speak on items by agreement of the Committee.
20. A report of the proceedings of any meeting (which shall form the Minutes of the meeting) of the Council's Safety Committee shall be submitted to the Cabinet Committee but before submission the report shall be agreed by the Chair and Vice-Chair. This report will also be circulated to all members of this Committee. Any resolutions in such a report

shall be subject to approval of the Cabinet.

21. A Book of Minutes of the Committee shall be kept by the Secretary to the Council's Safety Committee and shall be signed at each meeting by the Chair and Vice--Chair.
22. Any question coming before the Council's Safety Committee may be referred to the East Midlands Regional L.G.A. for consideration and advice. The E.M.R.L.G.A. shall be informed if any recommendation of the Council's Safety Committee appears to be of more than local interest, always provided that any such recommendation shall be approved by the District Council's Cabinet Committee prior to its submission to the Regional Joint Council.

Other Matters

(a) Parent Body

The Health and Safety Committee reports to the Cabinet.

(b) Lead Officer

Director of Regeneration and Neighbourhood Services

(c) Number of Members

The Council's Health and Safety Committee shall consist of:-

- (a) Eight Elected Members (to include "ex-officio" Members) drawn from the Council appointed annually to constitute the Employer's Side subject to such representatives' eligibility in confirmation with the requirements of the Local Government Act 1988.
- (b) Eight representatives (to include those with "ex-officio" status) of the Employees of Bassetlaw District Council to be nominated by the Joint Trade Unions and appointed annually.

(d) Quorum

One quarter (rounded up) of the whole number of members – 3 members

**SUMMARY OF SUB-COMMITTEES/WORKING
GROUPS/CONSULTATION GROUPS**

Body	Reports to	*Appropriate Cabinet Member
Introductory Tenancies Appeal Board	Cabinet	Housing & Estates
Joint Employee Council	-	Deputy Leader
Planning Consultation Group	-	Identity & Place
Health and Safety	Cabinet	Health & Wellbeing