B. NON-EXECUTIVE FUNCTIONS

General Duties of Council Committees

Council committees are required to determine those functions of the Council that are not within the remit of the Executive. This includes the determination of applications or the direct regulation of a person where sufficient discretion exists and the setting of any fees and charges relating to their activities.

3.B.01 Administration Committee

(a) Membership

Seven Council members (six majority party, one minority party)

(b) Terms of Reference

To exercise the following functions:

in relation to elections, the:

1. duty to appoint an electoral registration officer;
2. power to assign officers in relation to requisitions of the electoral registration officer;
3. duty to appoint the Returning Officer for local government elections;
4. duty to provide assistance at European Parliamentary elections;
5. duty to divide the constituencies into polling districts;
6. power to divide electoral divisions into polling districts at local government elections;
7. powers in respect of the holding of elections;
8. power to pay expenses properly incurred by electoral registration officers;
9. power to fill vacancies in the event of insufficient nominations;
10. duty to declare vacancies in office in certain cases;
11. duty to give public notice of a casual vacancy;
12. power to determine fees and conditions for supply of copies of, or extracts from, election documents;
13. power to submit proposals to the Secretary of State for an order under the Representation of the People Act; and
In relation to changes to executive arrangements:

1. Drawing up proposals for change;
2. Consulting on drawing up proposals;
3. Implementing new governance arrangements;
4. Duty to hold referendum;
5. Duty to comply with Secretary of State directions;
6. Duty to publish notice if proposals are not approved by referendum;
7. Duty to obtain written consent of elected mayor.

In relation to the name and status of areas:

1. The power to change the name of the Borough;
2. To consider proposals for the admission of persons as Honorary Freemen/Freewomen of the Borough, Honorary Aldermen/Alderwomen and conferment of civic honours; and
3. The power to make standing orders including those in relation to contracts.

In relation to Trusts:

1. To act as Trustees for Council managed Trusts’

In relation to other matters:

1. To consider proposals, to make, amend, revoke or re-enact byelaws, to promote or oppose local, hybrid or personal legislation and to make recommendations to the Council;
2. To make payments or provision of other benefits in maladministration cases;
3. To approve personnel, employment and training policies and strategies;
4. To approve measures to manage productivity and reduce sickness absence;
5. To determine the policies and procedures on which staff hold office.
6. To carry out functions relating to the dismissal, retirement and other personnel matters affecting the Chief Executive, Chief Officers and Deputy Chief Officers

7. To consider proposals for the award of compensation for early termination of employment where it is proposed to apply an age/service multiplier in excess of the normal council policy

8. To recommend to Council the dates and times of the annual meeting and ordinary meetings;

9. To provide staff, accommodation and other resources to the Monitoring Officer in the performance of his duties;

10. To manage the appointment process for independent members of the Standards Committee and make recommendations to full Council on the appointment which must be approved by a majority of the whole Council; and.

11. To consider changes to the Constitution, except for the allocation of responsibilities by the Leader, and refer any proposals to full Council for approval.

3.B.02 Adoption and Permanency Panel

(a) Membership

No more than ten persons (and otherwise as prescribed in the relevant Regulations).

(b) Terms of Reference

To consider and advise on adoption and permanency matters.

3.B.03 Appeals Panel

(a) Membership

A pool membership of 15 members of the Council (twelve majority party, three minority party) and independent members, from which panels will be drawn for individual meetings of the following appeals forums.

(b) Terms of Reference

The determination of an appeal against any decision made by or on behalf of the Council in relation to:

1. gradings assessed under the Job Evaluation Scheme;
2. dismissal or other formal disciplinary action, redeployment or action under the Council's grievance procedure;
3. education complaints; and
4. complaints about the discharge of social services functions.

3.B.04 **Appointments Panels**

**PANEL A**

(a) **Membership**

Nine Council members (to be determined on each individual appointment but shall include at least one Cabinet member)

(b) **Terms of Reference**

In respect of the Town Clerk and Chief Executive, the Director of Legal Services and executive directors to carry out interviews and make appointments.

**PANEL B**

(a) **Membership**

Five Council members (to be determined on each individual appointment but shall include at least one Cabinet member)

(b) **Terms of Reference**

To carry out interviews and make appointments in respect of service directors for all business groups.

3.B.05 **Audit Committee**

The purpose of the Audit Committee is to provide independent assurance on the Corporate Governance Arrangements, the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority’s financial and non-financial performance to the extent that it affects the authority’s exposure to risk and weakens the control environment, and to oversee the financial reporting process.

(a) **Membership**

(i) Four Councillors (three majority party, one minority party) including the Chairman of the Committee, who will not be a member of the Executive. The Chairman of the Audit Committee will have a significant and relevant financial background. Membership of the Committee shall include a maximum of three independent non-voting members who will be co-optees.

(ii) It is expected that the Executive Director of Finance, Information Systems and Property and the Head of Internal Audit and Risk Management will attend each meeting. Other Council officers may be required to attend for all or part of the meeting, at the request of the Chairman.
(iii) The External Auditors will attend at least one meeting each year and External Audit will have right of access to the Chairman at any time. The Committee shall have the right to meet in private with the External Auditor and the Audit Commissions Relationship Manager at least once a year if it wishes. On an annual basis External Audit will present the Audit Plan, the ISA260 (the international standard currently reported as part of the External Audit reporting requirements) and the Annual Audit and Inspection Letter to Committee.

(b) Quorum

The quorum necessary for the transaction of business shall be two Councillor members for voting purposes and two members, including co-opted members, for other matters.

(c) Frequency of Meetings

The Committee shall meet at least four times a year at appropriate times in the reporting and financial cycle.

(d) Terms of Reference

The Terms of Reference and the effectiveness of the Audit Committee will be reviewed on an annual basis.

The Committee shall report annually to the Council. The Chairman or Vice-Chairman of the Audit Committee is entitled to speak at meetings of the full Council during the presentation of the committee's annual report.

To exercise the following functions:

Audit Activity

1. To review, comment and approve (but not direct) Internal Audit’s strategy, plans and resources.

2. To receive Internal Audit progress reports on a quarterly basis summarising the audit reports issued and performance of the Internal Audit function.

3. To receive the Head of Internal Audit’s annual report and opinion and the level of assurance given over the Council’s corporate governance arrangements.

4. To consider reports from Internal Audit on the implementation of agreed recommendations where management have failed to undertake the necessary actions within the planned audit time frame.
5. To consider the External Auditor’s annual Plan, relevant reports, and reports to those charged with governance. To review and comment on external inspection reports.

6. To consider specific reports as agreed with the External Auditor.

7. To discuss and comment on the assessment of risks identified by External Audit and the associated impact on the audit fee, audit risk assessment and the scope and depth of External Audit work and to ensure it provides value for money.

8. To liaise with the Audit Commission over the appointment of the Council’s External Auditor.


10. To make recommendations to the Cabinet Member for Finance and Property on the Council's audit arrangements.

11. To commission work from Internal and External Audit.

12. To receive reports on internal or external fraud investigated by the Council.

13. To scrutinise the Council's treasury management activities and monitor compliance with strategies and procedures.

**Regulatory and Control Framework**

14. To maintain an overview of the Council’s constitution in respect of audit procedure rules, contract procedure rules, and financial regulations.

15. To review any issue referred to it by the Town Clerk and Chief Executive, or any Council body.

16. To monitor the effective development and operation of risk management in the Council.

17. To monitor Council policies on ‘Raising Concerns at Work’ and the anti-fraud and corruption strategy.

18. To review the Council's Annual Governance Statement and supporting documentation.

19. To consider the Council's arrangements for corporate governance.

**Accounts**

20. To approve the Council’s Annual Statement of Accounts, to consider whether appropriate accounting policies have been
followed and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the Executive.

21. To consider the External Auditor’s report to those charged with governance on issues arising from the audit of the accounts.

22. To consider the Audit Commission’s annual Audit and Inspection letter.

3.B.06 **Fostering Panel**

(a) **Membership**

No more than ten persons (and otherwise as prescribed in the relevant Regulations).

(b) **Terms of Reference**

To consider and advise on fostering matters.

3.B.07 **Investment Committee**

(a) **Membership**

Five Council members (four majority party, one minority party) plus four co-opted non-voting members

(b) **Terms of Reference**

To consider and decide all matters appertaining to the Council's Superannuation Fund and to report annually, or otherwise as may be necessary, to the Council.

3.B.08 **Licensing Committee**

(a) **Membership**

Fifteen Council members (twelve majority party, three minority party)

(b) **Terms of Reference**

1. To discharge all licensing functions and all matters which the Licensing Authority is required to discharge under the Licensing Act 2003 (the “Act”), apart from those functions or matters which must be carried out by Full Council, (such as determining the Statement of Licensing Policy or where another of its committees has the matter referred to it) as specified in the Act, or any Regulations published in relation to the Act or any statute or regulation amending, consolidating or replacing the same. Specifically, but
Part Three - Responsibility for Functions - B. Non-Executive

not exclusively the Licensing Committee has the power to deal with the matters specified below:-

2. The power to establish one or more Licensing Sub-Committee consisting of three members of the pool of members of the Licensing Committee;

3. The power to delegate all functions and matters it is required to discharge under the Act to its Licensing Sub-Committees, once they are established, and to the Head of Licensing and Business Improvement, apart from those functions which must be carried out by the Licensing Committee itself and subject to any restrictions in the Act, other legislation or regulations. However, it reserves the power to discharge any such function itself where the Chairman considers the matter should be considered by the Licensing Committee as a whole;

4. To determine and subsequently, to review, amend, vary and replace the procedure of the Licensing Committee and its sub-committees;

5. To consider any matter referred to it by any of its Sub-Committees;

6. To discharge all licensing functions and other matters which cannot be discharged by its Licensing Sub-Committees or officers, including considering and making representations to the Council in relation to any review of the Council's Statement of Licensing Policy;

7. To discharge any function under Sections 7(5) (b) and 7(7) of the Act or any statute amending or replacing the same;

8. Specifically, but not exclusively the Licensing Committee has the power to deal with the following:-

   (i) To determine applications for the grant and renewal of personal licences where there has been a police objection;

   (ii) To determine applications for the grant, variation, conversion or review of premises licences or club premises certificates where a relevant representation has been made;

   (iii) To determine applications for provisional statements where a relevant representation has been made;

   (iv) To determine applications to vary designated premises supervisors where an objection has been made;
(v) To determine applications for the transfer of premises licences and for interim authorities where an objection has been made;

(vi) To determine applications to review premises licences and club premises certificates or to review licences where a closure order has been made;

(vii) To decide whether to object to a licensing application under the Act where the Council is a consultee and not the relevant authority considering the application;

(viii) To determine temporary event notices where an objection has been made by the police;

(ix) To consider such other matters it is empowered to discharge by law.

9. (i) To discharge all licensing functions and such other matters which the Licensing Authority is empowered to discharge under the Gambling Act 2005 (“Act”), or any ancillary codes or regulations issued in relation to that Act and any statute, regulations and codes amending, consolidating or replacing them, but excluding any functions which must be reserved to Full Council. Specifically, but not exclusively to deal with the matters specified below:-

(ii) To enable its Licensing Sub-Committee(s) to deal with all licensing functions under the Gambling Act 2005 or any statute amending or replacing the same;

(iii) To delegate all functions and matters it is required to discharge under this Act to its Licensing Sub-Committees and to delegate to officers, apart from those functions which must be carried out by the Licensing Committee itself. It also reserves the power to discharge any such function permitted by the Act to itself where the Chairman of the Committee considers the matter should be considered by the Licensing Committee as a whole;

(iv) To determine, approve, review, amend, vary and replace the procedure for hearings for the Licensing Committee and its Sub-Committees;

(v) To consider any matter referred to it by any of its Sub-Committees;

(vi) To discharge all licensing functions and other matters which cannot be discharged by its Licensing Sub-Committees or officers, including considering and making representations to
the Council in relation to any review of the Council’s Statement of Licensing Policy;

(vii) To discharge any function under Section 154 of the Act or any statute amending or replacing the same;

(viii) To discharge any function or matter more fully set out in the terms of reference of the Licensing Sub-Committee in relation to the Act and any ancillary legislation or codes;

(ix) To consider and deal with such other matters it is empowered to discharge by law;

(x) To set and revise fees under Section 212 of the Act;

(xi) To determine and deal with Small Society Lottery Registrations.


3.B.09 Licensing Sub-Committee(s)

(a) Establishment

Five Licensing Sub-Committees have been established.

(b) Membership

Three Council members drawn from a pool of the fifteen members of the Licensing Committee

(c) Terms of Reference

To discharge all licensing functions and all matters which the Licensing Authority is required to discharge under the Licensing Act 2003 (the “Act”), apart from those functions or matters which must be carried out by Full Council or the Licensing Committee, (such as determining the Statement of Licensing policy or where another of its committees has the matter referred to it) as specified in the Act or any Regulations published in relation to the Act or any statute or regulations amending, consolidating or replacing the same. Specifically, but not exclusively the Sub-Committee has the power to deal with the following:

1. To determine applications for the grant and renewal of personal licences where there has been a police objection;
2. To determine applications for the grant, variation, conversion or review of premises licences or club premises certificates where a relevant representation has been made;

3. To determine applications for provisional statements where a relevant representation has been made;

4. To determine applications to vary designated premises supervisors where an objection has been made;

5. To determine applications for the transfer of premises licences and for interim authorities where an objection has been made;

6. To determine applications to review premises licences and club premises certificates or to review licences where a closure order has been made;

7. To determine whether a representation or a complaint is irrelevant, frivolous or vexatious, where it has been referred to the Sub-Committee by the Director of Environmental Health;

8. To decide whether to object to a licensing application under the Act where the Council is a consultee and not the relevant authority considering the application;

9. To determine temporary event notices where an objection has been made by the police;

10. To determine any other licensing functions and other matters which cannot be determined by officers under the Licensing Act 2003;

11. To consider any matters referred to it by any of the other Licensing Sub-Committees;

12. To consider such other matters it is empowered to discharge by law;

13  (i) To discharge all licensing functions and such other matters which the Licensing Authority is empowered to discharge under the Gambling Act 2005 ("Act"), or any ancillary codes or regulations issued in relation to that Act and any statute, regulations and codes amending, consolidating or replacing them, but excluding any functions which must be carried out by Full Council, the Licensing Committee or officers. Specifically, but not exclusively to deal with the matters specified below:

   (ii) To determine applications for the grant, variation, refusal, revocation, transfer, review of any premises licence, permit, consent, notification or certificates where representations
have been made or where it is required to do so under the Act for casinos, betting, race tracks, bingo, adult gaming and family entertainment centres, club gaming permits and machines, for specified lotteries and small societies, gaming and gaming machines, including temporary use notices and provisional statements and any other type of application made to the Licensing Authority under the Act;

(iii) To determine whether a representation, complaint, objection or an application for review is irrelevant, frivolous or vexatious in appropriate circumstances or where it is referred to it by officers;

(iv) To discharge any functions or matters it is required to deal with under Section 154 of the Act or any statute amending or replacing the same;

(v) To decide whether to object to a licensing application made under the Act where the Council is a consultee and not the relevant authority making the application.

(vi) To adjourn hearings where it is appropriate to do so;

(vii) To vary the procedure for the determination of all types of licensing applications where it is appropriate to do so;

(viii) To consider any matter referred to it by any other Licensing Sub-Committee;

(ix) To consider and deal with such other matters it is empowered to discharge by law and to delegate such matters to officers where appropriate and permissible;

(x) To, defend, settle or participate in any legal proceedings or procedures in relation to all types of gambling applications where permissible to do so, including the settlement of any appeal proceedings in consultation with the Chairman of the relevant Sub-Committee;

(xi) Determining applications where the Gambling Commission has made representations;

(xii) To determine and deal with Small Society Lottery Registrations.

3.B.10 London Councils Grants Committee

(a) Membership
One Council member representative from each London borough and the City of London who must not be a member of the Executive.

(b) **Terms of Reference**

1. To review need across London in order to inform funding decisions to voluntary organisations.
2. To deliver an effective strategic pan-London funding programme.
3. To maintain the highest standards of public probity.

3.B.11 **Major Planning Development Committee**

(a) **Membership**

Twelve Councillors (ten majority party, two minority party)

(b) **Terms of Reference**

1. Determination of planning applications, which involve a substantial departure from the UDP other than straightforward refusals.
2. Any applications which fall within the categories of development which must be referred to the Mayor of London and which the Executive Director for Planning and Borough Development considers should be determined by the Major Planning Development Committee.
3. Applications referred on to the Committee by the Planning Applications Committee for decision.
4. Any other applications which in the opinion of the Executive Director for Planning and Borough Development should be considered by the Committee.
5. To delegate any reserved matters to be determined by the Planning Applications Committee.

3.B.12 **Planning Applications Committee**

(a) **Membership**

Five Council members (four majority party, one minority party) drawn from a ‘pool’ of 21.

(b) **Terms of Reference**

1. To consider and determine applications for planning permission which do not fall within the terms of reference of the Major Planning Development Committee and to consider and determine any
reserved matters from planning applications which have been determined by the Major Planning Development Committee.

2. To decline to determine applications for planning permission.

3. To consider and determine applications for the Council’s own development schemes.

4. To consider and determine applications for listed building consent and conservation area consent.

5. To regulate development works to listed buildings and demolition in conservation areas.

6. To grant or refuse consent to display advertisements.

7. To exercise all enforcement powers relating to the functions of the local planning authority.

8. To exercise all the powers of the local planning authority in relation to trees.

9. To issue a certificate of existing or proposed lawful use or development.

10. To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.

11. To prepare and serve a completion notice.

12. To prepare and serve a building preservation notice.

13. To prepare and serve a notice requiring the proper maintenance of land.

14. To prepare and serve a notice requiring the discontinuance of a use of land.

15. To prepare and serve a repairs notice.

16. To acquire listed buildings in need of repair.

17. To execute urgent works to listed buildings.

18. To enter into legal agreements pursuant to Section 106 of the Town and Country Planning Act 1990 and other related legislation.

19. To consider and determine applications for hazardous substances consent and related powers.

20. Insofar as they affect the highways and footways, the regulation of projecting signs such as lamps and advertisements.
21. To remove signs or graffiti on buildings.
22. The preservation of trees.
23. To issue appropriate statutory notices under planning legislation or other relevant legislation.
24. Generally to take action and operate all statutory and administrative procedures under the planning legislation.

3.B.13 Regulation and Enforcement Review Committee

(a) **Membership**

Seven Council members (six majority party, one minority party)

(b) **Terms of Reference**

To consider the efficiency and effectiveness of the Council's regulatory and enforcement activity, including the performance of the planning department and the need for effective co-operation and collaboration between licensing and planning enforcement, and to exercise the following enforcement functions:

1. To assert and protect the rights of the public to use and enjoy highways.
2. To erect hoardings or fences.
3. To divert highways, footpaths and bridleways.
4. To designate streets as prohibited or licence streets.
5. To revoke, to refuse to grant, and to refuse to renew a street trading licence.
6. To make regulations prescribing standard conditions to be attached to licences.
7. To make or to vary conditions (whether standard or non-standard conditions) to be attached to street trading licences.
8. To maintain a list of persons entitled to sell non-medicinal poisons.
9. To remove objects deposited on the highway.
10. To restrict the placing of rails, beams, banners and other similar apparatus over highways.
11. To sanction the use of parts of buildings for storage of celluloid.
12. To exercise enforcement functions relating to the smoking ban under the Health Act 2006.

13. To undertake all health and safety functions, other than duties as an employer.

14. To make a Closing Order with respect to take-away food shops.

15. To make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.

16. To issue a permit, consent, approve, register or license premises or persons in respect of:

- animal boarding;
- animal trainers and exhibitors;
- booking offices;
- breeding of dogs;
- caravan sites;
- vaults, cellars and other constructions;
- dangerous wild animals;
- dealers in game and the killing and selling of game;
- dispatch or purification centres;
- erection of stiles and so forth on footpaths or bridleways;
- explosives and fireworks;
- food businesses and premises;
- guard dogs;
- knacker's yards;
- lotteries;
- market and street trading;
- moveable dwellings and camping sites;
- near beer premises;
- nurses agencies;
- obstructions to the highway;
- occasional sales;
- pet shops and other establishments where animals are kept for the purposes of carrying on a business;
- pleasure boats and other vessels;
- pools promoters;
- premises where amusements with prizes are provided;
107

- public exhibitions;
- premises with amusement machines;
- public exhibitions;
- riding establishments;
- sale of goods by competitive bidding;
- scaffolding;
- scrap metal dealers;
- Special treatment;
- Exhibition;
- Sex shops, sex encounter and sex establishments;
- skips;
- solemnisation of marriages;
- special treatments;
- street works;
- tables and chairs on the highway;
- temporary deposits or excavations in public highways;
- the creation or stopping-up of footpaths and bridleways;
- the employment of children;
- the operation of a loudspeaker in a street or road; and
- zoos.

17. To register motor salvage operators.
18. To set fees and charges and revise current ones.

3.B.14 **Regulation and Enforcement Sub-Committee**

(a) **Membership**

Three Council members drawn from a pool of seven (six majority party, one minority party).

(b) **Terms of Reference**

(i) To revoke a street trading licence, and to make or vary the conditions attached to a licence, where the determination of the matter could not wait until the subsequent meeting of the Regulation and Enforcement Review Committee; (ii) to determine any application for a tables and chairs licence; and (iii) to determine all licensing applications specified listed in paragraph 3.B.13 (b)(16) which are required to be determined by the Regulation and Enforcement Review Committee or which are referred to that Committee for determination.