

## **Part Five – Committees and Non-Executive Functions**

### **Section One – Committee Duties, Membership and Chairmanship**

#### **1. GENERAL DUTIES OF COUNCIL COMMITTEES**

- 1.01 Council committees are required to carry out 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.
- 1.02 The Council will appoint the committees as set out below to discharge the functions described.
- (a) Committees report to the Council from time-to-time upon the exercise of their functions and, where appropriate, make recommendations.
  - (b) Committee members hold office until their successors are appointed.
  - (c) Committees may appoint sub-committees as necessary.

#### **2. MEMBERSHIP OF COMMITTEES**

- 2.01 Whether or not they have been appointed to any committee, delivery board or subsidiary forum, Councillors can attend meetings of those groups unless they have ceased to be members of the Council. Councillors who attend meetings under this article do not speak except with the permission and at the sole discretion of the chairman, nor do they vote.
- 2.02 If a Councillor (including a co-opted member) fails throughout a period of six consecutive months to attend any meetings of a committee or, delivery board to which he or she has been appointed or co-opted, they will cease to be a member of that committee or group unless their absence is due to a reason which has been previously approved.
- 2.03 The Mayor and Deputy Mayor are, ex-officio, non-voting members of every committee of the Council (although this does not prevent the Deputy Mayor being appointed as a voting member of any committee of the Council).
- 2.04 Committees are constituted to reflect the statutory obligation to give effect so far as is reasonably practicable to the principles of political proportionality. The membership of committees and sub-committees therefore reflects the political balance of the whole Council.

#### **3. LIMITATION ON CHAIRMEN OR VICE-CHAIRMEN OF COMMITTEES**

- 3.01 A Councillor holds the office of chairman and vice-chairman of a committee for one year until the appointment of committees at the Annual Meeting.
- 3.02 In the case of an appointment to fill a casual vacancy a Councillor holds office as chairman or vice-chairman until the next annual appointment of committees.

- 3.03 A Councillor who has held office as chairman or vice-chairman of a committee may be re-elected to office at the first meeting of the Committee following the Annual Meeting.

## **Part Five – Committees and Non-Executive Functions**

### **Section Two – Terms of Reference of Council Committees**

#### **I. COUNCIL COMMITTEES**

- 1.1 The law requires that certain local authority functions cannot be undertaken by the Council’s executive – known here as the Leadership Team – and are reserved for full-Council decision or must be undertaken by a Council committee which has been appointed to take those particular decisions.

#### **2. ADMINISTRATION COMMITTEE**

##### **Membership**

- 2.1 The Committee will comprise seven Councillors.

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

- 2.2 The Committee is appointed to exercise the following functions:

*In relation to elections:*

- (i) to appoint an electoral registration officer;
- (ii) to assign officers in relation to requisitions of the electoral registration officer;
- (iii) to appoint the Returning Officer for local government elections;
- (iv) to provide assistance at European Parliamentary elections;
- (v) to divide the constituencies into polling districts;
- (vi) to divide electoral divisions into polling districts at local government elections;
- (vii) to exercise powers in respect of the holding of elections;
- (viii) to pay expenses properly incurred by electoral registration officers;
- (ix) to fill vacancies in the event of insufficient nominations;
- (x) to declare vacancies in office in certain cases;
- (xi) to give public notice of a casual vacancy;
- (xii) to determine fees and conditions for supply of copies of, or extracts from, election documents; and
- (xiii) to submit proposals to the Secretary of State for an order under the Representation of the People Act;

*In relation to changes to executive arrangements:*

- (xiv) to draw up proposals for change;

- (xv) to consult on drawing up proposals;
- (xvi) to implement new governance arrangements;
- (xvii) to consider the holding of referendums;
- (xviii) to comply with Secretary of State directions;
- (xix) to publish notice if proposals are not approved by referendum;
- (xx) to obtain written consent of elected mayor.

*In relation to the name and status of areas:*

- (xxi) to consider proposals and exercise the power to change the name of the Borough; and
- (xxii) to consider proposals for the admission of persons as Honorary Freemen/women of the Borough, Honorary Aldermen/women and the conferment of civic honours.

*In relation to Trusts:*

- (xxiii) to act as Trustees for Council managed Trusts.

*In relation to other matters:*

- (xxiv) 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;
- (xxv) to make payments or provision of other benefits in maladministration cases;
- (xxvi) to approve human resources, employment and training policies and strategies;
- (xxvii) to approve measures to manage productivity and reduce sickness absence;
- (xxviii) to determine the policies and procedures on which staff hold office;
- (xxix) to carry out functions relating to the dismissal, retirement and other human resources matters affecting the Chief Executive, Chief Officers and Deputy Chief Officers;
- (xxx) 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;
- (xxxi) to agree all proposed remuneration packages for new appointments, including performance related pay and fees, in excess of £100,000;
- (xxxii) to recommend to Council the dates and times of the annual meeting and ordinary meetings;
- (xxxiii) to provide staff, accommodation and other resources to the Monitoring Officer in the performance of his duties;
- (xxxiv) to advise the Council on the adoption and revision of the Councillors' Code of Conduct; and

(xxxv) 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 ADOPTION AND FOSTERING PANELS**

#### **Membership**

- 3.1 An independent Chairman of each of the panels and nine other independent panel members.

#### **Terms of Reference**

- 3.1 To consider and advise on adoption and fostering matters.

### **4 Appeals Panel**

*Note: Procedures for hearings of the Appeals Panel are available from Governance Services, The Town Hall, Hornton Street, W8 7NX, or by contacting 020 7361 2477.*

#### **Membership**

- 4.1 A pool membership of 15 Councillors of the Council and independent members, from which panels will be drawn for individual meetings of the following appeals forums.

#### **Terms of Reference**

- 4.2 The determination of an appeal against any decision made by or on behalf of the Council in relation to:
- (i) gradings assessed under the Job Evaluation Scheme;
  - (ii) dismissal (other than a dismissal by reason of redundancy) or other formal disciplinary action, or action under the Council's grievance procedure;
  - (iii) education complaints; and
  - (iv) complaints about the discharge of social services functions.

### **5 SENIOR APPOINTMENTS PANELS**

- 5.1 Where deemed necessary (and with the agreement of the Leader or Deputy Leader) substitutes for panel members can be nominated in the absence of those below. Nominated substitutes should, in the first instance, be sought from other Leadership Team members.

#### **Panel A – Chief Executive**

##### **(a) Membership**

Four Councillors - the Leader of the Council, the Deputy Leader, one other Majority Party Councillor and one Minority Party Councillor.

##### **(b) Terms of Reference**

To carry out interviews and recommend to Council appointments in respect of the Chief Executive (Head of the Paid Service).

**Panel B – Sovereign Borough (RBKC) Executive Directors**

(a) **Membership**

Four Council members: the Leader of the Council, The Deputy Leader or another Majority Party member, the Lead Portfolio Member and one Minority Party Councillor.

(b) **Terms of Reference**

To carry out interviews and make appointments in respect of sovereign borough (RBKC) Executive Directors.

**Panel C - Bi-Borough Executive Directors\***

(a) **Membership**

Three Councillors from each authority, comprising for RBKC: the Leader or Deputy Leader of the Council, the Lead Portfolio Member and one Minority Party Councillor, with a quorum of two from each authority.

(b) **Terms of Reference**

To carry out interviews and make appointments in respect of Executive Directors with responsibility for shared services covering more than one Council.

*\* Note: Each authority involved shall convene its own Panel, though in normal circumstances the Panels will meet concurrently.*

**Panel D – Sovereign Borough (RBKC) Directors and other RBKC posts on Chief Officer terms and conditions**

(a) **Membership**

Three Councillors: the Lead Portfolio Member, one other Majority Party Councillor and one Minority Party Councillor.

(b) **Terms of Reference**

To carry out interviews and make appointments in respect of sovereign borough (RBKC) Directors and other RBKC posts on Chief Officer terms and conditions.

**Panel E – Bi-Borough Directors and other Bi-Borough posts on Chief Officer terms and conditions\***

(a) **Membership**

Three Councillors from each authority, comprising for RBKC: the Lead Portfolio Member, one other Majority Party Councillor and one Minority Party Councillor, with a quorum of two from each authority.

(b) **Terms of Reference**

To carry out interviews and make appointments in respect of Bi-Borough Directors and other Bi-Borough posts on Chief Officer terms and conditions.

*\* Note: Each authority involved shall convene its own Panel, though in normal circumstances the Panels will meet concurrently.*

## **6 AUDIT AND TRANSPARENCY COMMITTEE**

6.1 The purpose of the Audit and Transparency Committee is:

- (i) to provide independent assurance on 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 that it affects the authority's exposure to risk and weakens the control environment; and oversight of the financial reporting process;
- (ii) to oversee Council transparency; and
- (iii) to consider any complaints against Councillors referred to it following an investigation.

### **Membership**

6.2 Four Councillors, including the Chairman of the Committee, who will not be a member of the Executive. The Chairman of the 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.

6.3 It is expected that the Chief Executive and the Director of Audit, Fraud, Risk and Insurance will attend each meeting, other than meetings convened solely to deal with ethical standards complaints which will be attended by the Monitoring Officer. Other Council officers may be required to attend for all or part of the meeting, at the request of the Chairman.

6.4 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. Committee members may wish to meet for a private briefing with the External Auditor at least once a year if it wishes. On an annual basis External Audit will present the Audit Plan, and the Annual Audit and Inspection Letter to Committee.

### **Quorum**

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

6.6 The quorum for the consideration of complaints against Councillors shall be three Councillors and at least one co-opted member.

### **Frequency of Meetings**

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

### **Terms of Reference**

6.8 The terms of reference and the effectiveness of the Committee will be reviewed on an annual basis.

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

6.10 To exercise the following functions:

*Audit Activity*

- (i) To review, comment and approve (but not direct) Internal Audit's strategy, plans and resources.
- (ii) To receive Internal Audit progress reports on a quarterly basis summarising the audit reports issued and performance of the Internal Audit function.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) To consider specific reports as agreed with the External Auditor.
- (vii) 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.
- (viii) To liaise regarding the appointment of the Council's External Auditor.
- (ix) To receive an annual report on the External Audit process.
- (x) To make recommendations to the Lead Member with responsibility for Corporate Services on the Council's audit arrangements.
- (xi) To commission work from Internal and External Audit.
- (xii) To receive reports on internal or external fraud investigated by the Council.
- (xiii) To scrutinise the Council's treasury management activities and monitor compliance with strategies and procedures.

*Regulatory and Control Framework*

- (xiv) To maintain an overview of the Council's constitution in respect of audit procedure rules, contract procedure rules, and financial regulations.
- (xv) To review any issue referred to it by the Chief Executive, Monitoring Officer or any Council body.
- (xvi) To monitor the effective development and operation of risk management in the Council.



- (xvii) To monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and corruption strategy.
- (xviii) To review the Council's Annual Governance Statement and supporting documentation.
- (xix) To consider the Council's arrangements for corporate governance.

*Accounts*

- (xx) 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.
- (xxi) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.
- (xxii) To consider the Audit Commission's annual Audit and Inspection letter.

*Ethical conduct of Councillors*

- (xxiii) To consider any complaints, referred to it following an investigation and to decide what sanctions, if any, should be imposed.
- (xxiv) To consider any applications for dispensations from Councillors and co-opted members to allow them to participate in decisions.

*Transparency*

- (xxv) To consider whether the Council has in place clear principles for transparency and has set open standards and policies for data release across all services.
- (xxvi) To ensure that the Council's transparency policy and standards meet any Government requirements and that they take into account current best practice.
- (xxvii) To ensure that satisfactory mechanisms exist to ensure that the Council's performance can be scrutinised by the public and by councillors.

## **7 THE HEALTH AND WELLBEING BOARD (SOVEREIGN BOARD)**

### **Membership**

7.1 The membership of the Council's sovereign Board is as follows:

- The Lead Member for Adult Social Care and Public Health;
- The Lead Member for Family and Children's Services;
- The Director for Adult Social Care;
- The Director for Children's Services;
- The Director of Public Health;
- A representative of the Local Healthwatch; and

- A representative of the West London Clinical Commissioning Group; or
- Their appointed deputies.

### **Quorum**

7.2 The quorum for meetings will be three, which must include a voting representative from each of the three organisations represented on the Board.

### **Terms of reference**

7.3 The Board's terms of reference are as follows:

- (i) To provide strategic and organisational leadership in developing the vision for health and wellbeing in Kensington and Chelsea, and ensure commissioning decisions are based on clear evidence for improving outcomes.
- (ii) To mobilise, coordinate and share resources from its membership, and from others, to deliver agreed priorities.
- (iii) To oversee the production and use of the Joint Strategic Needs Assessment (JSNA) by the LA and CCG, and ensure that the needs of the local population are properly assessed and captured. The JSNA should aim to map assets as well as needs for local areas and become embedded across the commissioning process of all systems. To also oversee the production and maintenance of the Pharmaceutical Needs Assessment (PNA).
- (iv) To develop a concise and high level Joint Health and Wellbeing Strategy (JHWS) derived from the JSNA which identifies areas of synergy and connectivity across health, social care and the wider determinants, to address the need of the local population. The strategy will provide an overarching framework within which more detailed and specific commissioning plans by CCGs, LAs, Public Health (PH) and others are developed. In this respect the HWB has a statutory responsibility to develop and publish JSNAs and JHWSs, and both LA and NHS Commissioners will be required to have regard to these when commissioning and developing their commissioning plans.
- (v) To agree a set of strategic themes following proper process showing transparency in decision making by using robust research and evidence, consultation and engagement. To agree a process of performance monitoring to measure effectiveness against these themes.
- (vi) To oversee the development of the proposed joint activity, ensuring this is aligned with local priorities and levels of need, and is undertaken within available resources. To consider the options for joint commissioning and procurement between relevant organisations to support this work.
- (vii) To have a formal role in authorising the local CCG, ensure that their plans take account of the JSNA and JHWS, and contribute to the NHS Commissioning Board (NHSCB) annual assessment of CCGs. Board members must understand the business, operating systems and language of the CCG in order to carry out this function.

- (viii) To ensure effective engagement and involvement - staff, provider, public, patient, service user and community - at all stages of the process, the HWB and CCG will have a statutory duty and clear priority to involve all in the preparation of the JSNA and JHWS.
- (ix) To develop an annual workplan, as well as short, medium and long term goals that have measurable outcomes aligned to the NHS, Public Health and Social Care outcomes frameworks, so that the performance of the Board and others with responsibility to deliver aspects of the JHWS can be measured, and is accountable. To produce an annual report on progress, and to consider other reports identifying health and social care needs such as the annual report produced by the Director of Public Health.
- (x) To ensure, through Board members, alignment between organisation and department plans and strategies. Also to have sight of and influence the strategies and key policies of the local NHS, the Council, the Community and Voluntary sector, and other partner agencies.
- (xi) To respond to any relevant local, regional or national consultations on major service redesigns for health, care and wellbeing related services provided within the borough or that affect the borough.
- (xii) To meet the new efficiency and austerity agenda by ensuring value for money across all services.

## **8 JOINT HEALTH AND WELLBEING BOARD**

### **Vision of the Board**

- 8.1 The K&C and Westminster (the Bi-Borough) Health and Wellbeing Board will provide strong and effective leadership across the local authorities and NHS partners by setting a clear direction, across traditional boundaries, to deliver change and fresh thinking. The Bi-Borough Board will work in partnership to address health issues that cannot be tackled by one organisation alone.
- 8.2 The Board will recognise that one size does not fit all and will ensure that services are designed to reflect the changing needs of the individuals and communities they serve and are easy to access. The Board will be accountable to those they serve through elected members, and will act as a champion for the voice of those who live, work and play in K&C and Westminster.
- 8.3 The broad vision for the Board is that it will
  - Promote integrated health and social care, where all parties agree this makes sense, in order to deliver more effective and efficient local services.
  - Agree strategic key issues for the joint board in line with each borough's sovereign Health and Wellbeing Strategies. The joint board will push progress against these priorities further and faster, ensuring 'silo working' and conflict are removed. Organisational boundaries should not be hindrance to developing effective solutions.

- Demonstrate clear leadership, championing the work and aims of the Board, and act as the key link between their own organisation or department and the Board, ensuring consistency and effective communications.
- Work with regional and national partners, where this is identified as the most appropriate way of tackling issues and addressing need.

### **Responsibilities**

8.4 The Board has the following responsibilities:

- (i) To provide strategic and organisational leadership in developing the vision for health and wellbeing in K&C and Westminster and mobilising, co-ordinating and ensuring health and social care decisions are based on clear evidence for improving outcomes.
- (ii) To mobilise, coordinate and share resources from its membership, and from others, to deliver agreed priorities and the Board's key issues.
- (iii) To oversee the delivery of shared Joint Health and Wellbeing Strategy (JHWS) priorities, ensuring that health and social care, as well as the wider determinants, can better address the need of the local population.
- (iv) To oversee the production and use of a programme of Joint Strategic Needs Assessments (JSNA) by the local authorities and the Clinical Commissioning Groups, and ensure that the needs of the local population are properly assessed and captured. The JSNA should aim to map assets as well as needs for local areas and become embedded across the commissioning process of all systems. To also oversee the production and maintenance of the Pharmaceutical Needs Assessment (PNA).
- (v) To ensure that all commissioners (the local authorities, the CCGs and the National Commissioning Board) meet their legal obligations by having regard to the JSNA and the Health and Wellbeing Strategies when commissioning and developing their commissioning plan.
- (vi) To put in place sub-groups to the Board, as and when required, to support the delivery of its functions.
- (vii) To promote and encourage integrated working across the wider determinants of health including alignment between organisation and department plan and strategies.
- (viii) To ensure effective engagement and involvement – staff, provider, public, patient, service user and community – in the work of the Bi-Borough Board, delivering on WCC's Leader's commitment to better engagement with residents and the RBKC Leader's commitment to making RBKC a listening borough.
- (ix) To develop an annual workplan, as well as short, medium and long term goals that have measurable outcomes aligned to the NHS, Public Health and Social Care outcomes frameworks. This to ensure that the performance of the Board and others with responsibility to deliver RBKC and WCC's sovereign Health and Wellbeing Strategy can be measured, and is accountable.

- (x) To review progress annually, and to consider other reports identifying health and social care needs, such as the Director of Public Health’s annual report.
- (xi) To ensure, through Board members, that organisation and department plans and strategies are aligned. Also to have sight of and influence the strategies and key policies of the local NHS, the Councils, the Community and Voluntary sector, and other partner agencies.
- (xii) To respond to any relevant local, regional or national consultations on major service redesigns for health, care and wellbeing related service provided within the boroughs or that affect the boroughs.
- (xiii) To promote and support opportunities for Bi-Borough commissioning of health, care and wellbeing where this is the most appropriate way of addressing issues.

### **Membership**

- 8.5 Meetings of the Board will be alternately chaired by the Council’s Lead Member for Adult Social Care & Public Health and Westminster’s Cabinet Member for Family Services & Public Health.
- 8.6 In accordance with Section 194 of the Health and Social Care Act (2012), the Health and Wellbeing Board will consist of:
- (a) at least one councillor of the local authority
  - (b) the director of adult social care for the local authority,
  - (c) the director of children's services for the local authority,
  - (d) the director of public health for the local authority,
  - (e) a representative of the Local Healthwatch organisation for the area of the local authority,
  - (f) a representative of each relevant clinical commissioning group, and
  - (g) such other persons, or representatives of such other persons, as the local authority thinks appropriate.
- 8.7 After a Health and Wellbeing Board is established, a local authority must consult the Board itself before appointing another person to be a Board member.

## **9 INVESTMENT COMMITTEE**

### **Membership**

- 9.1 Six Council members, plus six co-opted non-voting members.

### **Terms of Reference**

- 9.2 To consider and decide all matters appertaining to the investment, administration and management of the Council's Local Government Pension Fund and, in particular, to:

- (i) decide the overall investment strategy and strategic asset allocation of the pension fund, reporting to Council as necessary;
- (ii) decide how the pension fund is invested and to appoint investment managers, global custodians, actuaries and any other professional independent external advisors necessary for the good stewardship of the pension fund;
- (iii) monitor performance of the pension fund, the individual fund managers and other external advisors;
- (iv) authorise the acquisition and sale of investment properties which are or to be held within the direct property portfolio in the pension fund;
- (v) prepare, publish and ensure compliance with the Investment Strategy Statement, the Funding Strategy Statement, the Business Plan, the Governance Compliance Statement and the Communications Policy and Practice Statement and revise the statements to reflect any material changes in policy;
- (vi) approve policy on environmental, social and governance considerations and on the exercise of share voting rights;
- (vii) approve any other investment or pension policies that may be required to comply with regulations or good practice in the management of pension funds and to make any decisions in accordance with those policies;
- (viii) approve and publish the Pension Fund Annual Report and Accounts, reporting it to Council for information;
- (ix) receive actuarial valuations of the pension fund regarding the overall funding level and the level of employers' contributions necessary to maintain the pension fund and to make recommendations to the Council about the level of contributions required;
- (x) consider any proposed legislative changes in respect of the pension fund and to respond to government consultations;
- (xi) receive and consider the external auditor's report on the governance of the pension fund; and
- (xii) decide on the admission to and cessation of bodies to the pension fund.

## **10 LICENSING COMMITTEE**

**Note:** Procedures for hearings of the Licensing Committee and its sub-committees are available from Governance Services, The Town Hall, Hornton Street, W8 7NX, or by contacting 020 7361 2477.

### **Membership**

10.1 The membership is fifteen Councillors.

### **Terms of Reference**

10.2 The Committee's terms of reference are as follows:

- (i) The power to establish one or more Licensing Sub-Committees consisting of three members from the pool of members of the Licensing Committee;
- (ii) To be responsible for all licensing functions which the Licensing Authority is required to discharge under the Licensing Act 2003 and Gambling Act 2015 (and any other Act or legislation replacing or amending the same) (the “Acts”), apart from those functions which must be carried out by the Full Council, (such as approving any Statement of Licensing Policy) and to decide any such matter which is referred to it by Licensing Sub-Committee A.
- (iii) To be responsible for all other non-Licensing Act 2003 and Gambling Act 2005 licensing functions and matters, apart from those functions which must be carried out by Full Council or which have been delegated to Officers and to decide any such matter which is referred to it by Licensing Sub-Committee B.
- (iv) To decide the procedures of the Licensing Committee and its sub-committees;
- (v) To consider any matter referred to it by any of its Sub-Committees;
- (vi) To review and make representations in relation to any review of the Council’s Statement of Licensing Policy;
- (vii) To consider such other licensing matters it is empowered to discharge by law;
- (viii) To set licensing and other regulatory fees and charges;
- (ix) To consider, approve and monitor the efficiency and effectiveness of the Council’s enforcement activities in relation to Licensing and licensing appeals;
- (x) To decide applications and discharge any functions in relation to Town and Village green applications which it considers should not be determined by a public inquiry.
- (xi) To grant, approve, vary, refuse, review, revoke, renew, transfer, certificate, register, consent to or permit any licensing application not delegated to Officers or dealt with by any of its Sub-Committees.

## **II LICENSING SUB-COMMITTEE (A) (Licensing Act 2003 and Gambling Act determinations)**

### **Membership**

- 11.1 Three Councillors drawn from a pool of the fifteen members of the Licensing Committee.

### **Quorum**

- 11.2 The quorum is two Councillors.

### **Terms of Reference**

- 11.3 The Committee’s terms of reference are as follows:

- (i) To take decisions in relation to all licensing functions which are not to be dealt with by Officers or full Council under the Licensing Act 2003 and under the Gambling Act 2005, (or any legislation amending or replacing the same)

specifically but not exclusively to decide applications where representations or objections have been made:-

- for Personal Licences; the grant, variation or review of Premises Licences and Club Premises Certificates; provisional statement applications; transfer applications, designated premises supervisors applications and interim authorities;
  - for Temporary Event Notices;
- (ii) To grant, approve, vary, refuse, review, revoke, renew, transfer, certificate register, consent to or permit any licensing application not delegated to Officers and where it is required by law to determine.
- (iii) To decide adjournment applications which are not delegated to Officers or which are referred to them by Officers;
- (iv) To consider such other matters it is empowered to discharge by law.

## **12 LICENSING SUB-COMMITTEE (B) (all other Licensing functions)**

### **Membership**

- 12.1 Three Councillors drawn from a pool of the fifteen members of the Licensing Committee.

### **Quorum**

- 12.2 The quorum is two Councillors.

### **Terms of Reference**

- 12.3 The Committee's terms of reference are as follows:

- (i) To take decisions in relation to all other licensing functions of the Council, which are not delegated to an Officer or another Committee, (other than licensing functions under the Licensing Act 2003 and the Gambling Act 2005 or any other legislation replacing the same), specifically but not exclusively to decide applications, where representations or objections have been made, for:
- (a) special treatments, sex shops, sex encounter and sex establishments;
  - (b) tables and chairs licences\*;
  - (c) street trading licences;
  - (d) animal boarding, animal trainers and exhibitors;
  - (e) guard dogs and breeding of dogs;
  - (f) keeping dangerous wild animals;
  - (g) pet shops, riding establishments, knacker's yards and zoos;
  - (h) movable dwellings and camping/caravan sites;
  - (i) occasional sales and sale of goods by competitive bidding;



- (j) operation of a loudspeaker in a street or road;
- (k) public exhibitions;
- (l) scrap metal dealers;
- (m) explosives and fireworks;
- (n) any other licensing function not delegated to Officers or another Committee.

*[\* but only where there are three or more separate objections from the public and statutory consultees and/or one objection from a Ward Councillor. Applications attracting fewer than three separate objections from the public and statutory consultees and none from Ward Councillors will be determined by the relevant officer unless those officers consider that the matter is more appropriately determined by Members.]*

- (ii) To grant, approve, vary, refuse, review, revoke, renew, transfer, certificate register, consent to or permit any licensing application not delegated to Officers and where it is required by law to determine.
- (iii) To decide adjournment applications which are not delegated to Officers or which are referred to them by Officers;
- (iv) To consider such other matters it is empowered to discharge by law.

### **13 THE LONDON COUNCILS' GRANTS COMMITTEE**

#### **Membership**

- 13.1 One Councillor representative from each London borough and the City of London who must be a member of the Executive.

#### **Terms of Reference**

- 13.2 The Committee's terms of reference are as follows:

- (i) To review need across London in order to inform funding decisions to voluntary organisations.
- (ii) To deliver an effective strategic pan-London funding programme.
- (iii) To maintain the highest standards of public probity.

### **14 PLANNING COMMITTEE**

**Note:** Procedures for hearings of the Planning Committee are available from Governance Services, The Town Hall, Hornton Street, W8 7NX, or by contacting 020 7361 2477.

#### **Membership**

- 14.1 Five Councillors (plus two substitute Councillors, one from the Majority Group and one from the principal Minority Group).

#### **Terms of Reference**

- 14.2 The Committee's terms of reference are as follows:

- (i) Determination of planning applications, which involve a substantial departure from the development plan other than straightforward refusals.
- (ii) Any applications which fall within the categories of development which must be referred to the Mayor of London and which the Director for Planning and Place considers should be determined by the Planning Committee.
- (iii) Applications referred on to the Committee by the Planning Applications Committee for decision.
- (iv) Any other applications which in the opinion of the Director for Planning and Place should be considered by the Committee.
- (v) To delegate any reserved matters to be determined by the Planning Applications Committee.

## **15 PLANNING APPLICATIONS COMMITTEE**

**Note:** Procedures for hearings of the Planning Applications Committee are available from Governance Services, The Town Hall, Hornton Street, W8 7NX, or by contacting 020 7361 2477.

### **Membership**

- 15.1 Five Councillors drawn from a pool of sixteen.

### **Terms of Reference**

- 15.2 The Committee's terms of reference are as follows:

- (i) To consider and determine applications for planning permission which do not fall within the terms of reference of the Planning Committee and to consider and determine any reserved matters from planning applications which have been determined by the Planning Committee.
- (ii) To decline to determine applications for planning permission.
- (iii) To consider and determine applications for the Council's own development schemes.
- (iv) To consider and determine applications for listed building consent and conservation area consent.
- (v) To regulate development works to listed buildings and demolition in conservation areas.
- (vi) To grant or refuse consent to display advertisements.
- (vii) To exercise all enforcement powers relating to the functions of the local planning authority.
- (viii) To exercise all the powers of the local planning authority in relation to trees.
- (ix) To issue a certificate of existing or proposed lawful use or development.
- (x) To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.

- (xi) To prepare and serve a completion notice.
- (xii) To prepare and serve a building preservation notice.
- (xiii) To prepare and serve a notice requiring the proper maintenance of land.
- (xiv) To prepare and serve a notice requiring the discontinuance of a use of land.
- (xv) To prepare and serve a repairs notice.
- (xvi) To acquire listed buildings in need of repair.
- (xvii) To execute urgent works to listed buildings.
- (xviii) To enter into legal agreements pursuant to Section 106 of the Town and Country Planning Act 1990 and other related legislation.
- (xix) To consider and determine applications for hazardous substances consent and related powers.
- (xx) Insofar as they affect the highways and footways, the regulation of projecting signs such as lamps and advertisements.
- (xxi) To remove signs or graffiti on buildings.
- (xxii) The preservation of trees.
- (xxiii) To issue appropriate statutory notices under planning legislation or other relevant legislation.
- (xxiv) Generally to take action and operate all statutory and administrative procedures under the planning legislation.

## **OTHER FORUMS**

### **16 PENSION BOARD**

- 16.1 The role of the local Pension Board is defined by section 5 of the Public Service Pensions Act 2013 and regulation 106 of the Local Government Pension Scheme (LGPS) Governance Regulations 2013. It is to assist the administering authority (the Council) with:
- (i) Securing compliance with the LGPS Governance regulations and any other legislation relating to the governance and administration of the LGPS;
  - (ii) Securing compliance with any requirements imposed by the Pensions Regulator in relation to the scheme, and,
  - (iii) Ensuring effective and efficient governance and administration of the scheme-recommendations to the Investment Committee.
- 16.2 Membership is by appointment process. The Pension Board shall consist of six members and be constituted as follows:
- Three employer representatives comprising one from an admitted or scheduled body and two nominated by the Council; and

- Three scheme member representatives whether from the Council or an admitted or scheduled body.
  - The process for selecting non-Council nominated members of the Pension Board is set out in a separate document “Selection of Pension Board members”.
  - Only one employee/employer representative should resign each year, on a rolling basis, so that the Board would always have two serving representatives.
- 16.3 The Pension Board shall be quorate when three Pension Board Members are in attendance.
- 16.4 The Chairman and Vice Chairman of the Board will be appointed by members of the Board as the first business at their first meeting.
- 16.5 Each Scheme Member representative may agree a nominate substitute at the first meeting who would act in the Board member’s absence. Each Employer representative is there on behalf of the employer, so may be replaced by the nominating body with another individual representing the same employer.
- 16.6 Each Employee member shall be appointed for a fixed period of four years, which can be extended for a further four-year period subject to re-nomination.