

## **TERMS OF REFERENCE AND DELEGATION OF DUTIES TO COMMITTEE**

### **LICENSING AND GENERAL PURPOSES COMMITTEE**

The powers and the duties of the Licensing and General Purposes Committee are:

- (a) To consider all matters which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and 2001 (as amended) listed by Committee in the Schedule to this document, which are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council;
- (b) To carry out the functions under any relevant statutory provision within the meaning of Part I (Health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;
- (c) To keep under review and to determine the arrangements for the holding of elections and any referendums within the Borough and to initiate or respond to any proposals to the change of ward, constituency or Borough boundaries;
- (d) The determination of applications under the Local Government Superannuation Regulations and the Teachers' Superannuation Regulations and the determination of applications under the Council's Personal Injury Allowance Scheme.
- (e) To determine all matters and duties on the authority imposed by legislation, regulations orders, codes, and similar provisions for:
  - All activities under the Licensing Act 2003
  - Food safety and control.
  - Animal health, welfare, safety and control.
  - Gaming, betting, lotteries and related amusements
  - Crime and disorder issues related to the above duties.

### **LICENSING PANEL**

- (i) To determine applications and to make Orders in respect of:
  - licenses, permits, registrations and certificates;
  - Rights of way, footpaths and bridleways and the enjoyment of the highway;
  - Street naming and numbering;
  - Markets and fairs and other street trading;
  - Car park orders and variations;

- Registration of common land, town greens and variations of rights of common;

where objections have been received.

(ii) To determine applications and to make Orders in respect of:

- Safety certificates for sports grounds;
- Matters regarding film classification;
- Rules and Regulations established by the authority;
- Fees issues within the terms of reference of the sub-committee;
- Applications under Part II and Schedule 3 of the Local Government (Miscellaneous Provisions Act 1982) as amended from time to time.

(iii) To determine waivers and variations on matters determined by the Licensing and General Purposes Committee, Cabinet or Council.

(iv) Without prejudice to the generality of the above sections, in the case of alcohol control provisions in the Licensing Act 2003 as might be amended, and related legislation, regulations, orders, guidance, etc, to determine the following matters:

- Applications for personal licences where:
- Representations have been made, but remain unresolved.
- Applicants have relevant unspent convictions.
- Matters relating to the licensing, certification and authorisation at premises where:
- Representations have been made to an application, but remain unresolved.
- There is an unresolved police representation to an application to vary a designated personal licence holder, or to the transfer of a premises licence.
- There is an unresolved police representation to the application for an interim authority, or to a Temporary Event Notice.
- An application is made for the review of a premises licence or club premises certificate.
- Matters of an exceptional nature that in the officer's opinion justify consideration by the Licensing Panel.

*[N.B. Appeals against decisions of the Licensing Panel must be made to the Magistrates' Court.]*

## **SUB-COMMITTEES – “GENERAL PURPOSES MATTERS”**

### **CHIEF OFFICERS’ EMPLOYMENT PANEL**

The Chief Officers’ Employment Panel has the following powers and duties:

- (a) To make recommendations to Council on the appointment or dismissal of the Head of Paid Service;
- (b) To make appointments or dismissal of Chief Officers

### **EARLY RETIREMENT SUB-COMMITTEE**

The Early Retirement Sub-Committee has the following powers and duties:

- (1) To determine cases that satisfy the Early Retirement provision under Regulation 26 of the Local Government Pension Scheme Regulations 1997 (as amended), and to exercise discretion under Regulations 8 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended, subject to the conditions now agreed in respect of all staff, excluding Chief Officers;
- (2) To apply the arrangements set out in (1) above to Chief Officers where the application has been recommended by the Chief Executive, either on the grounds of redundancy, or in the interests of the efficiency of the service, and where the application was instigated by the Chief Executive in consultation with the leaders of the political groups.

### **EDUCATION AWARDS APPEALS PANEL**

The Education Awards Appeal Panel has the following powers and duties:

To hear appeals by applicants who have had their awards applications refused.

### **NATIONAL NON-DOMESTIC RATE: DISCRETIONARY RATE RELIEF APPEAL PANEL**

The National Non-Domestic Rate Discretionary Rate Relief Appeal Panel has the following powers and duties:

To determine appeals in respect of all categories of discretionary rate relief.

### **PENSION FUND INVESTMENTS PANEL**

The Pension Fund Investments Panel has the following powers and duties:

- (a) To administer all matters concerning the Council's pension investments in accordance with the law and Council policy;
- (b) To establish a strategy for the disposition of the pension investment portfolio;
- (c) To determine the managers' delegation of powers of management of the fund.

### **PERSONNEL APPEALS PANEL**

The Personnel Appeals Panel has the following powers and duties:

- (a) To consider and decide upon appeals against disciplinary action;
- (b) To hear and determine locally, appeals against the outcome of Job Evaluation;
- (c) To hear and determine locally, appeals under the Council's Grievance Procedure.

### **SOCIAL SERVICES APPEALS PANEL**

The Social Services Appeals Panel has the following powers and duties:

- (a) To review in accordance with the Children (Secure Accommodation) Regulations 1991 the keeping of children in secure accommodation;
- (b) In accordance with the Mental Health Act 1983, to decide whether to discharge patients from guardianship;
- (c) In accordance with procedures and guidance given under the Children Act 1989 and the National Health Service and Community Care Act 1990, and when requested to do so by a dissatisfied complainant, to review decisions made relating to complaints.

(Note: Appeals Panels reviewing the keeping of a child in secure accommodation will be chaired by an Independent Person. Appeals hearing complaints under the Children Act 1989 and the National Health Service and Community Care Act 1990 will comprise 3 Independent Persons)

**GOVERNANCE, AUDIT AND RISK MANAGEMENT COMMITTEE**

The Governance Audit and Risk Management Committee has the following powers and duties:

- a) To ensure that the Council's governance framework is in line with current guidance and best practice
- b) To review the Council's governance framework and annual improvement plan and monitor progress
- c) To review the Council's risk management strategy and monitor progress on risk management
- d) To monitor the Council's insurance arrangements
- e) To review the Council's emergency planning and business continuity arrangements and monitor progress on emergency planning and business continuity
- f) To review the Council's Health and Safety arrangements and monitor progress on Health and Safety
- g) To approve the financial statements of the authority
- h) To review the internal control arrangements and changes thereto and approve the Statement on Internal Control prior to sign off
- i) To monitor compliance with internal controls
- j) To consider matters arising from External Audit work which are required to be communicated to those charged with governance under the Statement of Auditing Standards (**ISA260**)
- k) To receive and consider the Annual Audit and Inspection Letter (or equivalent) and make recommendations as appropriate
- l) To scrutinise/comment on the Internal Audit three year strategic plan and annual plan
- m) To monitor progress against the Internal Audit plan and receive summaries of audit work completed and key recommendations
- n) To consider all individual Internal Audit reports on a regular basis
- o) To scrutinise/comment on the External Audit plan
- p) To monitor progress against the External Audit plan and receive summaries of audit work completed and key recommendations

- q) To consider individual External Audit (or external agency) reports as appropriate
- r) To review the management response to audit and regulatory recommendations and progress on implementation of recommendations
- s) To recommend action where audit and regulatory recommendations are not being implemented
- t) To monitor on a regular basis the Council's approach to tackling fraud and corruption and promote an anti-fraud culture

## **LICENSING COMMITTEE**

The powers and the duties of the Licensing Committee are proposed to be:

- (a) To consider all matters which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and 2001 (as amended) listed by Committee in the Schedule to this document, which are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council;
- (b) To determine all matters and duties on the authority imposed by legislation, regulations orders, codes, and similar provisions for:
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(iii) To determine waivers and variations on matters determined by the Licensing Committee, Cabinet or Council.

(iv) Without prejudice to the generality of the above sections, in the case of alcohol control provisions in the Licensing Act 2003 as might be amended, and related legislation, regulations, orders, guidance, etc, to determine the following matters:

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*[N.B. Appeals against decisions of the Licensing Panel must be made to the Magistrates' Court.]*



**General Purposes Duties to be allocated to another Committee pending the Decision concerning the future of L&GP Cttee**

- (1) To consider all matters, with exception to those pertaining to licensing activities, which the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and 2001 (as amended) listed by Committee in the Schedule to this document, which are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council;
- (2) To carry out the functions under any relevant statutory provision within the meaning of Part I (Health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;
- (3) To keep under review and to determine the arrangements for the holding of elections and any referendums within the Borough and to initiate or respond to any proposals to the change of ward, constituency or Borough boundaries;
- (4) The determination of applications under the Local Government Superannuation Regulations and the Teachers' Superannuation Regulations and the determination of applications under the Council's Personal Injury Allowance Scheme.