

Broxtowe Borough Council Constitution

Chapter 2 – Part 8-17

Committee Arrangements

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REFERENCE

8. Governance, Audit and Standards Committee

Rules

The following Rules apply to this Committee:-

- Council Procedure Rules 4 – 7 and 12 – 21.
- The Access to Information Procedure Rules.

Membership, Chair and Quorum

Substitute Members Permitted	Yes
Political Proportionality Rules Apply	Yes
Appointments / Removals	Council
Restrictions on Membership	<ul style="list-style-type: none">• The Leader, Deputy Leader and Cabinet Members may not serve on this Committee.• Members of this Committee must have completed training for the Standards Hearings Sub Committee• Membership of the Advisory Shareholder Sub-Committee should exclude Board Members of Liberty Leisure
Restrictions on Chair / Vice Chair	As above
Quorum	One quarter (1/4) of Members rounded up to be no less than 3
Number of Ordinary Meetings per Council Year	Not less than 4
Sub-Committee <ul style="list-style-type: none">• Standards Hearing Sub-Committee (3 Members; Quorum of 2 Members)	<ul style="list-style-type: none">• The Committee may appoint Sub-Committees to which it can delegate elements of its work, or which it can ask to advise on certain matters.• The Committee shall appoint as required as:-

<ul style="list-style-type: none"> • Advisory Shareholder Sub Committee (5 Members; Quorum of 3 Members) 	<ul style="list-style-type: none"> ○ Standards Hearing Sub-Committee ○ Advisory Shareholder Sub Committee
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Remit and Terms of Reference

1. To determine responses on behalf of the Council to any government, local authority or other consultation on matters within the remit of the Committee.
2. The functions conferred in relation to Member standards of conduct by the Local Government Act 2000, the Localism Act 2011 and associated legislation.
3. Without prejudice to the generality of the foregoing:
 - 3.1 promoting and maintaining high standards of conduct for all Members and Officers;
 - 3.2 preparing for adoption or revision by the Council policies and Codes of Conduct for Members, Co-opted Members and Officers;
 - 3.3 monitoring the operation of the Codes of Conduct;
 - 3.4 ~~granting dispensations to Members (including co-opted Members) from requirements relating to interests set out in the Members' Code of Conduct unless otherwise determined by the Monitoring Officer;~~ advising and ensuring training for Members, Co-opted Members and Officers on matters relating to conduct;
 - 3.5 considering, determining and dealing with matters referred by the Monitoring Officer;
 - 3.6 considering, determining and dealing with matters referred by the Chief Executive or Monitoring Officer under the Council's Whistleblowing Policy;
 - 3.7 monitoring the complaints made against the Council including those made via the Local Government and Social Care Ombudsman;
 - 3.8 making recommendations to Council and for The Leader or Group Leaders in relation to conduct and standards matters;
 - 3.9 undertaking functions in relation to Member standards of conduct in respect of Parish Councils / Town Councils within the Council's area;

- 3.10 Overview of the Council's Constitution and consideration of proposed amendments or revisions to the Constitution including the Schemes of Delegation, Procedure Rules and Protocols;
- 3.11 recommend to the Council amendments to this Constitution.
4. The Committee will:
 - 4.1 oversee the arrangements for the maintenance of the Council's internal control environment;
 - 4.2 monitor the operation of this Constitution and recommend amendments to it for the approval of the Council;
 - 4.3 monitor and make recommendations regarding the Council's corporate governance arrangements including the appointment of the external auditor;
 - 4.4 consider ways of achieving reductions in ongoing financial commitments through a review of essential and desirable services and service levels;
 - 4.5 identify opportunities for future income generation and cost savings;
 - 4.6 examine further procurement and collaborative working opportunities with the private sector and other local authorities.
5. Consider the Council's published financial accounts and associated documents, including the Annual Governance Statement, and give approval to them when satisfied.
6. Review the work of the internal audit section including the approval of an audit strategy and annual audit plans.
7. Consider significant issues arising from internal audit reviews, make recommendations accordingly and monitor management's response.
8. Receive reports from the Council's external auditors, the Council's internal auditor and from any inspection agencies and monitor action in response to any issues raised.
9. Oversee the effectiveness of the Council's risk management procedures, the control environment and associated fraud and anti-corruption arrangements including the approval of amendments to the strategic risk register and associated action plans.
10. Monitor and review the Council's business continuity arrangements .
11. The power to make payments or provide other benefits in cases of maladministration (section 92 Local Government Act 2000).

12. To receive reports directly from the Chief Audit and Control Officer as and when he/she thinks fit.
13. To receive reports directly from the Council's external auditors as and when appropriate.
14. The Committee may appoint Sub-Committees/panels comprising a proportionate combination of three Members of the main Committee.
15. Consider in detail polling district boundaries for the Borough Council's administrative area and any necessary changes to ensure that:-
 - 15.1 electors have such reasonable facilities for voting as are practicable in the circumstances;
 - 15.2 as far as is reasonable and practicable, that polling places are accessible to all electors, including those who are disabled, and when designating a polling place, have regard to the accessibility needs of disabled persons.
16. Consider polling places for the Borough Council's administrative area.
17. Consider the warding arrangements for Broxtowe to ensure electoral equality in all areas.
18. Consider the boundaries of Parish Councils in the Borough and warding arrangements in those areas, if appropriate.
19. Consider the names of Borough Council and Parish Council Wards.

Standards Hearing Sub-Committee

1. Number of Members: 3 (politically proportionate).
2. To carry out hearings into complaints and if appropriate make recommendations to full Council or to the Leader or Group Leaders as to action or sanctions under the Code of Conduct for Members in accordance with the Councils arrangements and any other matters as delegated by the Governance, Audit and Standards Committee.
3. Meetings / hearings to be called by the Monitoring Officer as necessary to deal with complaints under the Code of Conduct for Members.
4. Members of the Standards Hearing Sub-Committee shall undertake training on the Code of Conduct for Members.

Advisory Shareholder Sub-Committee

1. Number of Members: 5 (politically proportionate)
2. The Advisory Shareholder Sub-Committee may co-opt and / or otherwise engage the services of such external consultants and advisors as may be required from time to time, including but not limited to, auditors.
3. Meetings shall be held as necessary and not less than once each year. The quorum for meetings is 3
4. The Advisory Shareholder Sub-Committee acts in an advisory capacity and is not a decision-making body.
5. The Advisory Shareholder Sub-Committee shall assist, support and advise the Portfolio Holder for Resources and Personnel Policy and the Cabinet in its exercise of the Council's function as the shareholder of the Council's companies.
6. Without prejudice to the generality of clause 5 above, the Advisory Shareholder Sub-Committee shall consider the business plans and financial performance of the Council's companies in respect of which it may advise and make recommendations to the Portfolio Holder for Resources and Personnel Policy and the Cabinet in respect of its exercise of the shareholder function.

Delegations

The Governance, Audit & Standards Committee may delegate matters falling within its remit as permissible under the law unless otherwise delegated or reserved under this Constitution.

9. Licensing and Appeals Committee

Rules

The following Rules apply to this Committee:-

- Council Procedure Rules 4 – 7 and 12 – 21.
- The Access to Information Procedure Rules.
- Council's Hearing Procedure Rules (Chapter 6 Appendix 7).

Membership, Chair and Quorum

Substitute Members Permitted	No
Political Proportionality Rules Apply	Yes
Appointments / Removals	Council
Restrictions on Membership	<ul style="list-style-type: none"> Members of the Licensing & Appeals Committee must complete training prior to attending a meeting of the Committee. Members of the Discretionary Panel must complete training on the discretionary Housing Payment Scheme prior to attending meetings of the Panel.
Restrictions on Chair / Vice Chair	As above
Quorum	<p>One quarter (1/4) of Members rounded up to be no less than 3</p> <p>DHP - One quarter (1/4) of Members rounded up to be no less than 2</p>
Number of Ordinary Meetings per Council Year	<p>Not less than 4</p> <p>DHP – As required</p>
Sub-Committee <ul style="list-style-type: none"> Licensing Appeal Panel Alcohol and Entertainments Licensing Panel Discretionary Housing Payments Panel 	The Committee shall convene a Licensing Appeal Panel and a Alcohol & Entertainments Licensing Panel as required.

Remit and Terms of Reference

- To determine responses on behalf of the Council to any government, local authority or other consultation on matters within the remit of the Committee.

2. All the functions of the licensing authority capable of being performed by a licensing committee established under section 6 Licensing Act 2003; section 154 Gambling Act 2005, including (for the avoidance of doubt) the powers in section 212 Gambling Act 2005 (setting of fees), but (for the avoidance of doubt) not the powers contained in the LG(MP)A 1978 in relation to hackney carriage and private hire licensing vehicles which is for the consideration of the Cabinet.
3. The Committee may appoint a Licensing Appeal Panel (sub-committee) comprising of a politically proportionate combination of three or five Members of the main Committee.
4. A Licensing Appeal Panel is delegated all the functions capable of being exercised by the Committee.

Licensing Appeal Panel / Alcohol and Entertainments Appeal Panel

1. The functions of the Council relating to licensing and registration and the consideration and determination of appeals against the Council's decision across the full range of the Council's functions not otherwise provided for including hazardous substances consent, intentional homelessness, arrangements for Joint Negotiating Committee appeals, grievance and disciplinary appeals, including all those functions conferred on the Council or on a licensing committee by the Licensing Act 2003 and the Gambling Act 2005.
2. Without prejudice to the generality of the foregoing the consideration and determination of applications for licences permits and registration not otherwise delegated.
3. The enforcement of the functions of the Committee and the making and reviewing of policies concerning those functions, save for policies reserved for approval by full Council.
4. To make determinations in respect of the Scrap Metal Dealers Act 2013.
5. To consider applications for Discretionary Housing Payments in accordance with the Council's policy. Meetings to be called by the Monitoring Officer as necessary to deal with applications.

Delegations

The Licensing and Appeals Committee may delegate matters falling within its remit as permissible under the law unless otherwise delegated or reserved under this Constitution.

10. Planning Committee

Rules

The following Rules apply to this Committee:-

- Council Procedure Rules 4 – 7 and 12 – 21.
- The Access to Information Procedure Rules.
- Probity in Planning: Code of Good Practice for the Planning Service.

Membership, Chair and Quorum

Substitute Members Permitted	Yes
Political Proportionality Rules Apply	Yes
Appointments / Removals	Council
Restrictions on Membership	<ul style="list-style-type: none">• Members of the Planning Committee (including substitutes) must complete training prior to attending meetings of the Planning Committee
Restrictions on Chair / Vice Chair	As above
Quorum	One quarter (1/4) of Members rounded up to be no less than 3
Number of Ordinary Meetings per Council Year	Not less than 11

Remit and Terms of Reference

1. The functions of the Council relating to town and country planning and development control other than where they are required to be exercised by full Council.
2. Without prejudice to the generality of the foregoing, the functions of the Council in the areas at 3 – 18 below.
3. In association with the Cabinet to propose matters of planning policy to the Council in accordance with Part II of the Town and Country Planning Act 1990.
4. The determination of applications for planning permission listed building and conservation area consent, consent for the display of advertisements and all matters

capable of being dealt with by a regulatory Committee for development control and building control.

5. The power to enter into agreements regulating the development and use of land including s106 Agreements.
6. The power to grant conservation area consent and hazardous substances consent.
7. The power to require the discontinuance of a use of land.
8. The power to serve a completion notice under Section 94(2) Town and Country Planning Act 1990.
9. The Council's powers in respect of tree preservation.
10. The Council's development control and building control enforcement powers.
11. The power to create, stop up and divert footpaths and bridleways.
12. The functions detailed in Schedules 1 and 2 to The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 in respect of:
 - 12.1 town and country planning and development control;
 - 12.2 footpaths and bridleways and other public rights of way;
 - 12.3 trees and hedgerows.
13. The functions of the Council under the Planning and Compulsory Purchase Act 2004 and in particular the functions relating to local development plan documents under sections 20 to 23 and 25, 26 and 28 of the Planning and Compulsory Purchase Act 2004.
14. Enforcing section 224 Town and Country Planning Act 1990 (control of advertisements).
15. To authorise the making of conservation areas.
16. To authorise directions under Article 4 Town and Country Planning (General Permitted Development) Order 1995.
17. To determine responses on behalf of the Council to any government, local authority or other consultation on matters within the remit of the Committee.

Delegations

The Planning Committee may delegate matters falling within its remit as permissible under the law unless otherwise delegated or reserved under this Constitution.

11. Overview & Scrutiny Sub-Committee

See Overview & Scrutiny Arrangements and Procedure Rules at Chapter 2 Part 7.

12. Chief Officer Employment Committee

Rules

The following Rules apply to this Committee:-

- Council Procedure Rules 4 – 7 and 12 – 21.
- Council Hearing Procedure Rules (Chapter 6 Appendix 7).

Membership, Chair and Quorum

Number of Members	5-7
Substitute Members Permitted	Yes
Political Proportionality Rules Apply	Yes
Appointments / Removals	Council
Restrictions on Membership	<ul style="list-style-type: none">• The Committee must include at least one Cabinet Member.• If the Committee is considering the dismissal of the HOPS; MO or s151 Officer or any other Chief Officer, two independent persons must be co-opted.• Members of the Committee must be complete training prior to attending meetings of the Committee
Restrictions on Chair / Vice Chair	As above
Quorum	One quarter (1/4) of Members rounded up to be no less than 3
Number of Ordinary Meetings per Council Year	As required.
Sub-Committee – Hearing Panel	A Chief Officer Employment Hearing Panel

	shall be convened as required.
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Remit and Terms of Reference

1. To short list and interview candidates for the posts of Head of Paid Service and Chief Officers including the Monitoring Officer, Section 151 Officer and any other Chief Officer.
2. To recommend to full Council the appointment of the Head of Paid Service, the Monitoring Officer, Section 151 Officer and any other Chief Officer.
3. To recommend to the Chief Executive (as Head of Paid Service) all permanent appointments to Chief Officer posts.
4. To determine matters, other than those which under the law must be referred to full Council, relating to severance agreements for Chief Officers and Statutory Officers.
5. To determine matters, other than those which under the law must be referred to full Council, involving the discipline and suspension of Chief Officers and Statutory Officers.
6. To investigate, concerns in relation to the proposed dismissal of the Head of Paid Service, the Monitoring Officer, Section 151 Officer and any other Chief Officer subject to the Committee containing two Independent Persons when performing this function.
7. To determine any other matters referred to it by full Council.
8. Providing advice, views and recommendations to Council in respect of the dismissal of any Statutory or Chief Officer, subject to the Committee containing two Independent Persons when performing this function.
9. The functions of an Investigating and Disciplinary Committee under the JNC Conditions of Service Handbook for Chief Executives, 7 September 2022.

13. Functions Performed by The Local Joint Consultative Committee ('LJCC')

The LJCC is the forum between Members of the Council and representatives of the employees of the Council set up to consider matters of common interest, further good relations between Members and Officers and make recommendations to the Cabinet, at Chapter 6 appendix 3.

14. Functions Performed by The Bramcote Bereavement Services Joint Committee

As set out in the agreement with Erewash Borough Council at Chapter 6 appendix 4.

15. Functions Performed by The Economic Prosperity Committee

As set out at Chapter 6 appendix 5.

16. Policy Overview Working Group

Note: The Policy Overview Working Group is a Working Group of the Cabinet,

Membership, Chair and Quorum

Number of Members	13
Substitute Members Permitted	Yes
Political Proportionality Rules Apply	At the Leader's discretion
Appointments / Removals	The Leader
Restrictions on Membership	<ul style="list-style-type: none">• Must have at least one Cabinet Member on the Working Group The following Councillors may not serve on the Policy Overview Working Group; <ul style="list-style-type: none">• Members of the Overview and Scrutiny Committee
Restrictions on Chair / Vice Chair	As above
Quorum	One quarter (1/4) of Members rounded up to be no less than 4
Number of Ordinary Meetings per Council Year	Up to 10 Frequency and timing of meetings to be determined by the Chair Hybrid Meeting

Remit and Terms of Reference

- To consider and recommend to Cabinet all the Councils policies and strategies for the Portfolios of Resources and Personnel Policy, Housing, Economic Development and Asset Management, Community Safety, Leisure and Health, and Environment and Climate Change.
- New policies, plans and strategies will be submitted initially to the Working Group for Member consultation before being resubmitted for a recommendation to the suitable body.
- Time critical reports, policies, plans and strategies with minor or no amendments would go straight to Cabinet.
- To also include supporting reviewing and making recommendations towards the implementation of Member facilities, expenses, and allowances.

17. Events, Arts, Cultural and Heritage Working Group

Note: The Events, Arts, Cultural and Heritage Working Group is a Working Group of the Cabinet,

Membership, Chair and Quorum

Number of Members	13
Substitute Members Permitted	Yes
Political Proportionality Rules Apply	At the Leader's discretion
Appointments / Removals	The Leader
Quorum	One quarter (1/4) of Members rounded up to be no less than 4
Restrictions on Membership	<p>Must have at least one Cabinet Member on the Working Group</p> <p>The following Councillors may not serve on the Working Group:</p> <p>Members of the Overview and Scrutiny Committee</p>
Number of Ordinary Meetings per Council Year	<p>Up to 6</p> <p>Frequency and timing of meetings to be determined by the Chair</p> <p>Hybrid Meeting</p>

Remit and Terms of Reference

- To further promote the development and management of the DHL Museum,

other local museums and sites of local heritage under the heritage banner.

- To promote the health and vitality of town centres and communities through a planned programme of events and arts programmes.
- To promote close co-operation with our twin towns in Gutersloh and friendship arrangement in Myskow and to bring forward the CCity project across Europe to Broxtowe.

REFERENCE

- To promote the Council’s heritage and culture through collaborative working with our European partners.

18. SHARED PROSPERITY FUND MEMBERS ADVISORY PANEL (UKSPF PANEL)

Note: The UKSPF Panel is a Panel of the Cabinet,

Membership, Chair and Quorum

Number of Members	5
Substitute Members Permitted	No
Political Proportionality Rules Apply	At the Leader’s discretion
Appointments / Removals	The Leader
Restrictions on Membership	Membership of this Panel shall include: The Leader, Portfolio Holder of Resources and Personnel Policy, One other Labour Member, Leader of the Opposition, Leader of the Independent /Liberal Democrat Group
Quorum	2 plus Chair
Number of Meetings per Council Year	As required

Remit and Terms of Reference

- UKSPF Panel to assist and advise to the S151/Deputy Chief Executive in making urgent delegated determinations, which fall in between Cabinet cycles, where expediency is required to ensure Investment Plan funding can be defrayed in a timely manner and not clawed back or any other urgent matters that cannot wait for Cabinet including the awarding of business grants.
- Decisions should be by consensus wherever possible, however, the final decision will lie with the Section 151/Deputy Chief Executive.
- The S151/Deputy Chief Officer will report back urgent decisions made to the next suitable Cabinet.
- The Panel should at all times work to the agreed rules reflected in the DHLUC/BBC Memorandum of Understanding and any other further rules or best practice required by the funding body

19. Functions Performed by The Stapleford Towns Deal Executive Board

(Information to be added.)

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