

Report of the Chief Executive

TERMS OF REFERENCE FOR COMMITTEES

1. Purpose of report

To consider amendments to the terms of reference for committees and the consequent changes to the Council's Constitution.

2. Detail

Following the move to a committee system of governance each individual committee became a decision making body. The terms of reference, included in the appendix, for the committees are in need of review as part of the changes to responsibilities in addition to the formulation of new committees in May 2019.

Suggested additions are shown in bold and any deletions are struck-through. As the terms of reference are contained within the Constitution any amendments would necessitate a Full Council resolution.

Recommendation

The Committee is asked to CONSIDER the amendments to the Terms of Reference and RECOMMEND to Full Council accordingly.

Background papers

Nil

APPENDIX

Terms of Reference for Committees

Alcohol and Entertainments Licensing Committee

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. All the functions of the licensing authority capable of being performed by a licensing committee established under section 6 Licensing Act 2003 and section 154 Gambling Act 2005, including (for the avoidance of doubt) the powers in section 212 Gambling Act 2005 (setting of fees).
3. The Committee may appoint Panels comprising of a proportionate combination of three or five members of the main Committee.
4. The panels are delegated all the functions capable of being exercised by a Sub-Committee.
5. To determine attendance of members at conferences.

Community Safety Committee

1. To develop, adopt and implement any other policy (other than those policy documents reserved to the full Council or within the remit of any committee) and without prejudice to the generality of the foregoing to develop, adopt and implement:
 - a) policies regarding transport, save those functions in respect of hackney carriage and private hire vehicles delegated to the Licensing and Appeals Committee.
 - b) policies in respect of stray dogs.
 - c) contaminated land strategy.
 - d) And other such strategies as the Committee may from time to time decide should be adopted
 - e) ASB Strategy
 - f) Community Safety policies
 - g) Safeguarding policies
 - h) LSP strategies and policies
 - i) Public protection strategies
 - j) Strategies and policies arising from the Anti-Social Behaviour, Crime and Policing Act 2014
 - k) Policies under the Scrap Metal Dealers Act 2013
2. To authorise applications for vehicle operator's licences required for the Council's business; to authorise objections to vehicle operator licence applications made by third parties.
3. To determine enforcement under the Sunday Trading Act 1994
4. To determine all issues relating to community safety and crime reduction.
5. To develop, monitor and implement the Sustainable Community Strategy and associated documents.
6. Consider ways of achieving reductions in ongoing financial commitments through a review of essential and desirable services and service levels.
7. Identify opportunities for future income generation and cost savings.
8. Examine further procurement and collaborative working opportunities with the private sector and other local authorities.
9. To determine responses on behalf of the Council to any government, local authority or other consultation on matters within the remit of the Committee.
10. To receive reports in relation to Nottinghamshire Police and Crime Panel.
11. To receive the minutes of the South Nottinghamshire Community Safety Partnership.

12. To provide strategic direction to any delivery body established by the Council to fulfil the purposes over which the Committee has responsibility.
13. To approve the letting of contracts to third parties where the value of the contract exceeds delegation limits as set out in procurement standing orders. (where within budget).
14. To determine attendance of members at conferences.

Environment and Climate Change Committee

1. To develop, adopt and implement any other policy (other than those policy documents reserved to the full Council or within the remit of any Committee) and without prejudice to the generality of the foregoing to develop, adopt and implement:
 - a) management and recycling arrangements and policies.
 - b) policies in respect of street cleansing and the removal of litter.
 - c) policies regarding energy.
 - d) **policies regarding air quality.**
 - e) **policies for car parking, allotments and cemeteries.**
 - f) Energy Conservation Strategy.
 - g) Waste Management Strategy.
2. To provide strategic direction to any delivery body established by the Council to fulfil the purposes over which the Committee has responsibility.
3. To approve the letting of contracts to third parties where the value of the contract exceeds delegation limits as set out in procurement standing orders. (where within budget).
4. To authorise applications for and amendments to waste transfer stations.
5. Functions under the Environmental Protection Act 1990.
6. To determine all issues relating to environmental improvements.
7. Identify opportunities for future income generation and cost savings.
8. Examine further procurement and collaborative working opportunities with the private sector and other local authorities.
9. To determine responses on behalf of the Council to any government, local authority or other consultation on matters within the remit of the committee
10. To consider ways of achieving reductions in ongoing financial commitments through a review of essential and desired services and service levels.
11. To lead on the development and implementation of the Climate Change Plan for Broxtowe Borough Council.
12. To take the Climate Change agenda forward and ensure that all departments are engaged in this process.
13. To lead on the Travel Plan.
14. To feed into the Nottinghamshire and Derbyshire Local Authority Energy Partnership, Nottinghamshire Climate Change Partnership and Broxtowe Borough Partnership.

15. To work in partnership with service providers to identify opportunities for the delivery of services, avoid duplication and maximise resources.
16. To determine attendance of members at conferences.

Finance and Resources Committee

1. To keep the Council's resources under review.
2. To consider and recommend to the Council the level of council house rents and the level of council tax.
3. To consider and recommend to the Council the overall capital programme and revenue budget.
 - a) To approve requests for supplementary capital and revenue estimates
 - b) To write off debts in excess of the current limit for delegation contained within Financial Regulations
 - c) To make loan repayments postponements
 - d) To determine the use of the Insurance Fund
 - e) To appoint the Council's bankers
 - f) To approve virement between budget heads above any limits prescribed in Financial Regulations
 - g) To approve the letting of contracts to third parties where the value of the contract exceeds delegation limits as set out in procurement standing orders.
4. To determine the means to attract external sources of funding into the Borough across the whole range of the Council's functions.
5. To make grants to individuals and bodies including those undertaking twinning visits and exchanges in accordance with the Council's approved policy.
6. To determine responses on behalf of the Council to any government, local authority or other consultation on matters within the remit of the Committee.
7. To determine and approve purchases of Information Technology equipment and assistance within the Budget Policy Framework.
8. Consider in detail those areas of the revenue budgets affecting the General Fund and Housing Revenue Account (HRA) which are judged to be of the highest risk and monitor the position of the Council in relation to those areas.
9. Examine in detail the proposals for budget savings and consider such plans as are deemed to be required to bring about those savings including the effects on employees and services.
10. Receive at regular intervals information as to revenue and capital budget monitoring.
11. Receive and respond to updates on government and external funding issues which have a direct effect on the budget position.
12. Receive regular updates on welfare benefit reforms and the effects on council tenants and council tax payers.

13. Monitor the effects of the countywide business rates pooling arrangement on the finances of the Council.
14. Identify opportunities for future income generation and cost savings.
15. To provide strategic direction to any delivery body established by the Council to fulfil the purposes over which the Committee has responsibility.
16. Functions conferred on the Council by part 4 of the Local Government and Public Involvement in Health Act 2007 in respect of the receipt of petitions and the institution, conduct and determination of a Community Governance Review.
17. To determine attendance of members at conferences.

Full Council

1. Under the provisions of the Local Government Act 2000 and, where applicable, Sections 101 and 102 of the Local Government Act 1972 and other relevant legislation, and in the manner set out in this scheme, Broxtowe Borough Council arranges for the discharge of all its functions by the Committees of by Officers under this Scheme (other than those matters detailed in paragraph 8.2 below):

EXECPT functions which the Council reserves to itself namely:

2. Consideration of reports by the Head of Paid Services under Section 4(5) of the Local Government and Housing Act 1989
3. The election of the Mayor of the Council under S.4 of the Local Government Act 2972
4. The appointment of the Deputy Mayor of the Council under S.5 of the Local Government Act 1972
5. The matters set out in section 67(2)(a), (b), (c) and (d) of the Local Government (Finance) Act 1992 being determination as to discounts or liability in prescribed cases and the setting of the Council Tax
6. Determination or variation of the Council's affordable borrowing limit under Section 3 of the Local Government Act 2003
7. Appointing and Discharging the Leader of the Council by resolution
8. Noting the appointment of the Leader and Deputy Leader of the Opposition and the Leader and Deputy Leader of any other political group;
9. Approval or adoption of amendment of the following policy documents:
10. The Council's Constitution including
 - Standing Orders
 - The Code of Conduct
 - Corporate Plan
 - Overall capital programme and revenue budget (including associated strategies)
 - Statement of Licensing Policy
 - Statement of Gambling Principles.
11. The making of byelaws.
12. The promotion or adoption of an Act of Parliament.
13. The receipt of petitions.

14. The appointment and dismissal of the Chief Executive, Monitoring Officer, Chief Financial Officer and other chief officers.
15. The adoption and amendment of the Councillor's allowance scheme.
16. Determining or delegation of any matter of function within the remit of the Council not delegated or performed elsewhere under this scheme.
17. Functions conferred on the Council by part 4 of the Local Government and Public Involvement in Health Act 2007 in respect of the receipt of petitions and the institution, conduct and determination of a Community Governance Review.
18. Appointment to outside bodies.
19. Establishing Joint Committees to perform functions that would fall to be performed by a Joint Committee of the Council and similar members or representative of some other authority or body.
20. Pay Policy.

Governance, Audit and Standards Committee

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 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:
 - a) promoting and maintaining high standards of conduct for all members and officers
 - b) preparing for adoption or revision by the Council policies and codes of conduct for members, co-opted members and officers
 - c) monitoring the operation of the codes of conduct
 - d) granting dispensations to members (including co-opted members) from requirements relating to interests set out in the Members' Code of Conduct
 - e) advising and training members, co-opted members and officers on matters relating to conduct
 - f) undertaking the same duties as detailed above in respect of parish or town Councils within the Council's area
 - g) considering, determining and dealing with matters referred by the Monitoring Officer
 - h) considering, determining and dealing with matters referred by the Chief Executive or Monitoring Officer under the Council's Whistleblowing Policy
 - i) monitoring the complaints made against the Council including those made via the Ombudsman service
 - j) assessing (and reviewing if appropriate) all complaints made in respect of breaches of the Members' Code of Conduct.
4. The Committee will:
 - a) Oversee the arrangements for the maintenance of the Council's internal control environment
 - b) Monitor and make recommendations regarding the Council's corporate governance arrangements including the appointment of the external auditor
 - c) Consider ways of achieving reductions in ongoing financial commitments through a review of essential and desirable services and service levels.
 - d) Identify opportunities for future income generation and cost savings.
 - e) 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. Determine employment and health and safety policies;
12. The power to make payments or provide other benefits in cases of maladministration (section 92 Local Government Act 2000);
13. To receive reports directly from the Chief Internal Auditor as and when he/she thinks fit;
14. To receive reports directly from the Council's external auditors as and when appropriate.
15. The Committee may appoint Panels comprising of a proportionate combination of three or five members of the main Committee.
16. Consider in detail polling district boundaries for the Borough Council's administrative area and any necessary changes to ensure that:
 - a) electors have such reasonable facilities for voting as are practicable in the circumstances.
 - b) 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.
17. Consider polling places for the Borough Council's administrative area.
18. Consider the warding arrangements for Broxtowe to ensure electoral equality in all areas.
19. Consider the boundaries of parish councils in the Borough and warding arrangements in those areas, if appropriate.
20. Consider the names of Borough Council and parish council wards.
21. To determine attendance of members at conferences.

Housing Committee

1. To determine Council policy relating to sales of council houses.
2. To determine Council policy relating to council house rent collection.
3. To provide assistance to housing associations - Housing Association Act 1985 Part X.
4. To provide financial assistance for privately let housing accommodation - Local Government Act 1988 Part III.
5. To make payments to assist tenants to obtain other accommodation - Housing Act 1988 Section 129.
6. To declare renewal areas - Local Government and Housing Act 1989 Part VII.
7. Approval of discretionary renovation grants - Part VIII.
8. To determine the improvement programme of the Council housing stock.
9. To approve housing schemes.
10. To authorise proceedings for the repayment of renovation grants and interim payments and to accept waiver of repayment or a lesser sum.
11. To determine the policy to apply to the provision of funds for aids and adaptations to Council properties.
12. To develop, adopt and implement any other policy (other than those policy documents reserved to the full Council) and without prejudice to the generality of the foregoing to develop, adopt and implement:
 - a) The Homelessness Strategy
 - b) To determine policies for the management of all buildings and lands held for housing purposes.
 - c) To determine the policy for allocating Council housing stock.
 - d) And other such strategies as Council may from time to time decide should be adopted.
13. To determine responses on behalf of the Council to any government, local authority or other consultation on matters within the remit of the Committee.
14. Consider ways of achieving reductions in ongoing financial commitments through a review of essential and desirable services and service levels.
15. Identify opportunities for future income generation and cost savings.
16. The Housing Committee exercises all the Council's appellate functions from officer decisions in respect of discretionary housing payments as well as reviewing

the Council's expenditure on the Discretionary Housing Payments Fund and monitoring the Council's expenditure on aids and adaptations to council housing.

17. The Housing Committee will also be responsible for determining any applications for aids and adaptations to council housing above £10,000.
18. Specific functions are delegated to the Housing Sub-Committee ("Panel") as follows:
 19. The Sub-Committee (known as Panel) comprises any combination of three members of the main Committee.
 20. The Panel is delegated all the functions capable of being exercised by a Sub-Committee under 9.1 and 9.2.
 21. To receive the minutes of the Housing Performance Group.
 22. To receive the minutes of the Housing Payments Sub-Committee.
 23. To provide strategic direction to any delivery body established by the Council to fulfil the purposes over which the Committee has responsibility.
 24. To deal with matters delegated to any other Committee.
 25. To approve the letting of contracts to third parties where the value of the contract exceeds delegation limits as set out in procurement standing orders (where within budget).
 26. To determine attendance of members at conferences.

Jobs and Economy Committee

1. In association with the Planning Committee to propose matters of planning policy to the Council in accordance with Part II of the Town and Country Planning Act 1990.
2. To authorise the making of conservation areas.
3. To authorise supplementary planning documents, development briefs and other documents under the local development scheme.
4. To authorise directions under Article 4 Town and Country Planning (General Permitted Development) Order 1995.
5. To authorise the making of compulsory purchase orders and carry out all procedures relating thereto.
6. To perform the functions of the Council under the Planning and Compulsory Purchase Act 2004 capable of being exercised by a Committee.
7. To determine responses on behalf of the Council to any government, local authority or other consultation on matters within the remit of the Committee.
8. To develop, adopt and implement any other policy (other than those policy documents reserved to the full Council or within the remit of any committee) and without prejudice to the generality of the foregoing to develop, adopt and implement the Economic Development Strategy and other such strategies as the Committee may from time to time decide should be adopted.
9. To determine the means to attract external sources of funding into the Borough across the whole range of the Council's functions.
10. Identify opportunities for future income generation and cost savings.
11. Examine further procurement and collaborative working opportunities with the private sector and other local authorities.
12. The Committee will have responsibility for considering all matters relating to the Strategic Location for Growth and the wider area including the boundaries of the site, the retention of open space, the promotion of employment, integration with the proposed and existing infrastructure including road improvements, the tram and rail links and the suitable mix of development within the site.
13. The Committee will have authority to involve others in this process including site owners, the general public, the Nottingham City Council, the Nottinghamshire County Council, HS2 Limited and any other persons who may be able to assist in considering options for the site.
14. The Committee will have responsibility for considering all matters relating to the redevelopment of the Stapleford area focussing on the site of the former Police

Station together with other land in the area that is within the Council's ownership.

15. The Committee will be responsible for appropriate ways to progress the redevelopment, including consultation with the public and other stakeholders.
16. To provide strategic direction to any delivery body established by the Council to fulfil the purposes over which the Committee has responsibility.
17. To approve the letting of contracts to third parties where the value of the contract exceeds delegation limits as set out in procurement standing orders. (Where within budget).
18. To determine attendance of members at conferences.

Leisure and Health Committee

1. To determine policies to promote artistic, sporting and cultural activities within the Borough.
2. To develop, adopt and implement any other policy (other than those policy documents reserved to the full Council or within the remit of any Committee) and without prejudice to the generality of the foregoing to develop, adopt and implement:
 - a) policies for the management of all buildings and lands held leisure purposes including leisure centres and museums.
 - b) equalities strategy.
 - c) the Arts and Events and Leisure strategies.
 - d) ~~Policies for car parking, allotments and cemeteries~~
3. To organise and implement twinning and friendship activities.
4. ~~To receive the minutes of the Equalities Working Group.~~
5. To provide strategic direction to any delivery body established by the Council to fulfil the purposes over which the Committee has responsibility.
6. To approve the letting of contracts to third parties where the value of the contract exceeds delegation limits as set out in procurement standing orders. (where within budget).
7. To approve in principle events taking place in parks, open spaces and recreation grounds owned or managed by the Council.
8. Identify opportunities for future income generation and cost savings.
9. Examine further procurement and collaborative working opportunities with the private sector and other local authorities.
10. Review the Council's arrangements that each Council service area has in place to respond to individuals, who may have mental health issues and need to access Council services.
11. To determine attendance of members at conferences.

Licensing and Appeals Committee

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 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, grievance and disciplinary appeals, excluding all those functions conferred on the Council or on a licensing committee by the Licensing Act 2003 and the Gambling Act 2005.
3. Without prejudice to the generality of the foregoing the consideration and determination of applications for licences permits and registration not otherwise delegated.
4. 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.
5. To make determinations in respect of the Scrap Metal Dealers Act 2013.
6. To determine attendance of members at conferences.

Personnel Committee

1. To develop adopt, implement and review the People Strategy and any other policy or strategy concerning human resources which has been adopted by this committee or by the Council.
2. To consider and deal with issues relating to the Council's establishment structure and employees, including approval of significant changes to local terms and conditions.
3. To receive and deal with minutes and recommendations from the Local Joint Consultative Committee.
4. Approval of establishment changes where both (i) the overall financial consequences are £5,000 per annum or above and (ii) where more than five employees are affected by such changes, subject to a maximum level of £25,000 and held within existing budgets (with the Chief Executive having delegated authority for minor establishment changes up to the value of £25,000 if held within existing departmental budgets).
5. To receive reports on post-entry training and development for employees including apprenticeships and to approve the Training and Development Policy.
6. Approval of the Health and Safety at Work Policy.
7. Approval of establishment changes which have estimated additional costs to the Council of over £25,000, subject to the approval of the Finance and Resources Committee if not held within existing departmental budgets.
8. To determine responses on behalf of the Council to any government, local authority or other consultation on matters within the remit of the committee.
9. To consider ways of achieving reductions in ongoing financial commitments through a review of essential and desired services and service levels.
10. To identify opportunities for future income generation and cost savings.
11. Determine the discretionary elements of both national and local conditions of service.
12. Consideration of the Draft Pay Policy before submission to Council.
13. Approval of the Job Evaluation Scheme and pay structure arising from it, subject to the approval of Finance and Resources Committee and Council as appropriate
14. Taking such action regarding the appointment, suspension or discipline of chief officers (with the exception of the Chief Executive) as may be performed by a committee (with the Chief Executive having delegated authority for appointments below this tier).

15. Taking such action regarding the dismissal of chief officers (excluding statutory Chief Officers).
16. Providing advice, views and recommendations to Council in respect of the dismissal of any statutory chief officer, subject to the Committee containing two Independent Persons when performing this function.
17. The functions of an Investigating and Disciplinary Committee under the JNC Conditions of Service Handbook for Chief Executives, 13 October 2016.
18. To determine attendance of members at conferences.

Planning Committee

1. The functions of the Council relating to town and country planning and development control other 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 following areas:
3. In association with the Policy and Performance Committee 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:
 - a. town and country planning and development control;
 - b. footpaths and bridleways and other public rights of way;
 - c. 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.
18. To determine attendance of members at conferences.

Policy and Performance Committee

1. To keep the Council's policies (including its Constitution) under review.
2. To approve and monitor progress on the Corporate Plan.
3. To propose changes to the Constitution and other policies approved or adopted by the Council.
4. Monitor the impact of significant external projects on the Council's services.
5. To determine responses on behalf of the Council to any government, local authority or other consultation on matters within the remit of the Committee.
6. To develop, adopt and implement any other policy (other than those policy documents reserved to the full Council or within the remit of any other committee) and without prejudice to the generality of the foregoing to develop, adopt and implement:
 - a. the Emergency Plan
 - b. the Information Technology Strategy
 - c. the Asset Management Strategy
 - d. the Capital Strategy
 - e. **the Sustainable Communities Strategy**
 - f. and other such strategies as Council may from time to time decide should be adopted.
7. To acquire, appropriate and dispose of land or property and of interests in or over land
8. To let, negotiate and settle leases and rents for Council owned land or property
9. To approve policies with regard to the Council's land, buildings and assets.
10. To authorise the making of compulsory purchase orders and carry out all procedures relating thereto.
11. Identify opportunities for future income generation and cost savings.
12. Examine further procurement and collaborative working opportunities with the private sector and other local authorities.
13. To receive reports in relation to the performance of the Council against Corporate Plan targets.
14. To provide strategic direction to any delivery body established by the Council to fulfil the purposes over which the Committee has responsibility.
- ~~15. Issues relating to the Council's structure and employees.~~

16. To receive and make determination in respect of performance.
17. To deal with matters not delegated to any other committee or reserved to Council, or where the committee cycle is such that a decision is required before the next meeting of the relevant service committee.
18. To approve the letting of contracts to third parties where the value of the contract exceeds delegation limits as set out in procurement standing orders. (Where within Budget).
19. To determine attendance of members at conferences.