

Part 2 – Section 5: Functions of Committees

The Council has the following Committees:

1. Audit and Risk Committee
2. Standards and Governance Committee
3. Planning Committee
4. Licensing and Regulatory Committees
5. Overview and Scrutiny Committees
6. Health and Wellbeing Board
7. Staffing Committee
8. Independent Persons Panel
9. Harbour Committee
10. Corporate Parenting Board
11. Joint Committees
12. Community Panels

1 AUDIT AND RISK COMMITTEE

- 1.1 The purpose of an Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.
- 1.2 The success of the Audit and Risk Committee depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on Councillors not to make inappropriate use of information provided to the Committee for other purposes.
- 1.3 The Committee has the right to access to all information necessary to inform the work of the Committee and may receive reports and refer matters to Internal and External Auditors.

Composition

- 1.4 The Audit and Risk Committee will comprise **6** Councillors, which may be altered to accommodate the overall political balance calculation, together with an independent co-opted person and an independent co-opted Chair.
- 1.5 Members of the Committee shall not be **Executive Councillors**.
- 1.6 The Vice-Chair (and, in the event that there is no independent Chair from time to time, the Chair) will be appointed by **Council** annually. Where relevant, the Vice-Chair will be from a different political group from the Chair.
- 1.7 The Chief Executive, Monitoring Officer and section 151 Officer (or nominated deputies) shall attend meetings of the Audit and Risk Committee. In addition, the Committee may request that other Directors and Assistant Directors (or nominated manager) and Portfolio Holders attend meetings where this would benefit the work of the Committee having regard to the agenda.

Quorum

- 1.8 The Audit and Risk Committee quorum will be 3 elected Councillors.

Substitutes

- 1.9 Each political group may appoint up to 4 substitute Councillors.

Competency

- 1.10 All members of the Audit and Risk Committee, and all Councillors attending as substitutes, must:
 - 1.10.1 have undertaken appropriate training in the relevant law and procedures which relate to the Committee's work; and

- 1.10.2 undertake further appropriate training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the Monitoring Officer, the Head of Internal Audit and/or the Chief Finance Officer.

Terms of Reference

1.11 Governance, Risk and Controls

- 1.11.1 To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances, including the **Code of Corporate Governance** and the Good Governance Principles.
- 1.11.2 To review and approve the **Annual Governance Statement** and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- 1.11.3 To consider the Council's arrangements to secure value for money and to review and scrutinise assurances and assessments on the effectiveness of these arrangements.
- 1.11.4 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- 1.11.5 To monitor the effective development and operation of risk management in the Council.
- 1.11.6 To monitor progress in addressing risk related issues reported to the Committee.
- 1.11.7 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions, including calling managers to explain lack of progress.
- 1.11.8 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- 1.11.9 To monitor the counter-fraud strategy, actions and resources.
- 1.11.10 To review the governance and assurance arrangements for significant partnerships or collaborations.
- 1.11.11 To review and monitor the Council's compliance with public sector financial and audit standards and guidance, in accordance with the CIPFA Codes and Accounts and Audit Regulations.

- 1.11.12 To review and monitor the Council's treasury management arrangements in accordance with the **CIPFA** Treasury Management Code of Practice.
- 1.11.13 To monitor the Council's role as shareholder of **Council Companies** and the effectiveness of the arrangements in this regard.

1.12 Internal Audit

- 1.12.1 To ensure that the Council has a sound system of internal control which –
 - (a) facilitates the effective exercise of its functions and the achievement of its aims and objectives;
 - (b) ensures that the financial and operational management of the Council is effective;
 - (c) includes effective arrangements for the management of risk;
 - (d) ensures compliance with policies, procedures and statutory requirements; and
 - (e) safeguards the Council's assets and interests.
- 1.12.2 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 1.12.3 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- 1.12.4 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- 1.12.5 To make appropriate enquiries of both management and internal audit to determine if there are any inappropriate scope or resource limitations.
- 1.12.6 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal audit. To approve and periodically review safeguards to limit such impairments.
- 1.12.7 To consider reports from the internal auditor on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - (a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;

- (b) Regular reports on the results of the Quality Assurance and Improvement Programme;

Reports on instances where the internal audit function does not conform to the **Public Sector Internal Audit Standards** and **Local Government Application Note**, considering whether the non-conformance is significant enough that it must be included in the **Annual Governance Statement**.

1.12.8 To consider the internal auditor's annual report:

- (a) The statement of the level of conformance with the **Public Sector Internal Audit Standards** and **Local Government Application Note** and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit
- (b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the **Annual Governance Statement**

1.12.9 To consider summaries of specific internal audit reports as requested.

1.12.10 To receive reports outlining the action taken where internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

1.12.11 To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

1.12.12 To consider a report on the effectiveness of internal audit to support the **Annual Governance Statement**, where required to do so by the Accounts and Audit Regulations

1.12.13 To provide free and unfettered access to the Audit Committee Chair for the internal auditor, including the opportunity for a private meeting with the Committee.

1.13 External Audit

1.13.1 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by **PSAA** or the authority's auditor panel as appropriate.

1.13.2 To consider the external auditor's annual audit letter, relevant reports, and the report to those charged with governance.

- 1.13.3 To consider specific reports as agreed with the external auditor.
- 1.13.4 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 1.13.5 To commission work from internal and external audit.
- 1.13.6 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

1.14 Financial Reporting

- 1.14.1 To review and approve the annual **Statement of Accounts**. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the **Council**.
- 1.14.2 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

1.15 Accountability Arrangements

- 1.15.1 To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
- 1.15.2 To report to Council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.
- 1.15.3 To publish an annual report on the work of the Committee, the report will be submitted to full Council.

1.16 Related Functions

- 1.16.1 To approve and monitor Council policies relating to confidential reporting (whistleblowing) and anti-fraud and corruption.
- 1.16.2 To review any issue referred to it by the **Chief Executive, Chief Finance Officer, Monitoring Officer** or any Council body.

2 STANDARDS AND GOVERNANCE COMMITTEE

Composition

- 2.1 The Standards and Governance Committee will comprise **8** Councillors in **political balance**.
- 2.2 The Chair and Vice-Chair will be appointed by **Council** annually. The Vice-Chair will be from a different political group from the Chair.

Quorum

- 2.3 The Standards and Governance Committee **quorum** will be **3** Councillors.

Substitutes

- 2.4 Each political group may appoint up to 4 substitute Councillors.

Competency

- 2.5 All members of the Standards Committee and Councillors attending as substitute Councillors must:
 - 2.5.1 have undertaken appropriate training in the relevant law and procedures which relate to the Committee's work; and
 - 2.5.2 undertake further appropriate training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Director.

Terms of Reference

- 2.6 To assist the Council in fulfilling its duty under the Localism Act 2011 to promote and maintain high standards of conduct by Councillors and co-opted Councillors of town and parish councils.
- 2.7 To advise the Council on the adoption or revision of its Code of Conduct for Councillors.
- 2.8 To monitor and advise the Council about the operation of its Code of Conduct for Councillors in the light of best practice and any changes in the law.
- 2.9 To approve the arrangements for dealing with allegations that a Councillor or a town/parish Councillor within the district has failed to comply with the relevant Councillors' Code of Conduct.
- 2.10 Either itself or by setting up a sub-committee, to determine whether a Councillor or town/parish Councillor has failed to comply with the relevant Code of Conduct.
- 2.11 Where the Committee finds that a failure to comply with the Code of Conduct has occurred, to determine what action, if any, to take and to apply the sanction or recommend to Council to apply an appropriate sanction.

- 2.12 To assist the Council with the appointment of Independent Persons as required by the Localism Act 2011 and independent persons under other secondary legislation.
- 2.13 To determine any request for a dispensation under Section 33 of the Localism Act 2011, where not determined by the **Monitoring Officer**, or to hear an appeal against a dispensation determination by the Monitoring Officer.
- 2.14 To approve the granting, to any Council employee, of a dispensation in relation to disqualification from political activities Local Government and Housing Act 1989.
- 2.15 Subject to the requirements set out below, to consider all findings of the Local Government and Social Care Ombudsman, including reports resulting in a finding of maladministration against the Council, and to make recommendations as to actions that may be necessary in connection with the Ombudsman's findings.
 - (a) There are statutory obligations which will, in some circumstances, require reports to be taken to **Executive** or **Council**.
 - (b) The Ombudsman operates protocols in relation to the timing of the publication of findings. The Council would have to give consideration to those protocols when determining how to manage the Standards and Governance Committee's agenda.
- 2.16 To consider reports arising from other external inspections, legal challenges and other sources which cast doubt on the honesty or integrity of the Council or its Councillors.
- 2.17 To advise the Council on, and review as necessary, the arrangements for dealing with complaints or any local protocols regulating the conduct of Councillors and to deal with allegations of breach of any such protocol.
- 2.18 To respond on behalf of the Council to national reviews and consultations on standards related issues.
- 2.19 Either itself or by setting up a sub-committee, to receive reports from the Monitoring Officer on standards related issues.
- 2.20 To consider and make recommendations to **Council** on any other matter that may be referred to the Standards Committee relating to the conduct and training of Councillors.
- 2.21 Either by itself or by setting up a working group, to consider amendments and improvements to the Constitution and recommend proposals to Council for approval, except where specifically delegated to the Monitoring Officer.

Sub-Committees, Panels and Working Groups

- 2.22 Where the Standards and Governance Committee resolves to establish a sub-committee group of councillors under paragraph 2.10 above, that sub-committee shall be referred to as the Standards Panel and shall comprise

between three (3) and five (5) members of the Standards and Governance Committee.

- 2.23 The Standards Panel may regulate its own procedures to deal with any matter arising in connection with its duties, provided that the procedures remain in accordance with the principles of decision making set out this Constitution. This includes that, subject to any statutory rules or procedures detailed elsewhere, a Panel acting as a tribunal is permitted, when all evidence has been submitted and speakers (if any) have finished, will hold discussion in the presence of the speakers and, as appropriate and in compliance with the Access to information Procedure Rules, the public and press, and the decision making may thereafter be taken in private adjournment.
- 2.24 It is expected that decisions will then normally be announced to those present and remaining post-adjournment, at least in summary form, before a decision is issued in writing.
- 2.25 Where the Standards and Governance Committee has established a working group of councillors under paragraph 2.21 above, that group shall be referred to as the Constitution Working Group and membership of that working group shall be of such cross-party Councillors as the Committee considers appropriate, whether or not such councillors are members of the Standards and Governance Committee. The Leader or Deputy Leader of each political group and the relevant Executive Councillor shall be an ex-officio member of the Working Group.

3 PLANNING COMMITTEE

Committee Scope

- 3.1 The majority of planning applications are dealt with by officers under delegated powers from the Planning Committee, as they are relatively straightforward.
- 3.2 Where development control functions are not discharged by officers, the Planning Committee will consider applications and related planning matters which are being determined or considered by the Council as the Local Planning Authority.

Composition

- 3.3 The Planning Committee will comprise **10** Councillors, which may be altered to accommodate the overall political balance calculation.
- 3.4 The Chair and Vice-Chair will be appointed by Council annually. The Vice-Chair will be from a different political group from the Chair.

Quorum

- 3.5 The Planning Committee quorum will be 3 Councillors.

Substitutes

- 3.6 Each political group may appoint up to 4 substitute Councillors.

Competency

- 3.7 All members of the Committee and Councillors attending as substitutes must, before they may attend a meeting and participate in the determination of any application by any individual or body:
 - 3.7.1 have undertaken appropriate training dealing with the quasi-judicial nature of the role of the Committee;
 - 3.7.2 have undertaken appropriate training in the relevant law and procedures which relate to the Committee's work; and
 - 3.7.3 undertake further appropriate training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the Monitoring Officer or the relevant Director; and
 - 3.7.4 undertake an assessment of competency and knowledge.
- 3.8 Members and substitute members of the Planning Committee shall observe the LLG Planning Code of Good Practice.

Terms of Reference

- 3.9 To exercise the powers and duties of the Council as the Planning Authority in relation to all functions relating to Town and Country Planning and Development Management as specified in, but not limited to Schedule 1 to the Local Authorities

(Functions and Responsibilities) (England) Regulations 2000, including functions relating to town and country planning and development control, building control, commons, registration of a new Town and Village Green, footpaths and other rights of way and functions in relation to applications for planning permission for waste disposal and mineral extraction in relation to the following matters:

Strategic Planning Applications

Subject to paragraph 3.10.8 below, the following strategic applications shall be determined by the Council's Planning Committee.

3.10 All applications accompanied by an Environmental Statement except for applications made under Section 73 and Section 96A of the Town and Country Planning Act 1990 where a revised Environmental Statement is not required;

3.10.1 development comprising more than 100 dwellings or site area exceeding; 2 hectares

3.10.2 all non-residential development proposals (including commercial, retail, and industrial developments) of more than 10,000 sqm or 2 hectares of land;

3.10.3 All proposals for mineral extraction involving a new quarry or mine or for a physical extension to an existing quarry or mine;

3.10.4 Applications for any type of renewable energy developments which cover an area of 1 hectare or more;

3.10.5 All proposals for an Advanced Thermal Treatment Processes such as Energy from Waste Plant; or for an Incinerator or Gasification Plant or for a Pyrolysis Plant.;

3.10.6 All major road schemes including improvement schemes to existing roads which exceed 1 mile in length;

3.10.7 Any matter which in the opinion of the Head of Planning raises significant or strategic planning issues and/or considers that it is in the public interest and/ or is of such importance or sensitivity that the Committee should consider the matter.

3.10.8 All applications under s.73 of the Town and Country Planning Act 1990 which relates to a strategic planning application as defined in paragraphs 3.10.1. to 3.10.6 above will not automatically be determined by the Council's Planning Committee unless the head of service (in consultation with the Chair/ Vice Chair) consider it raises significant or strategic planning issues and/or considers that it is in the public interest and/ or is of such importance or sensitivity that the Committee should consider the matter.

*Thresholds to be kept under review

Regional Planning Decisions

The following sets out the level of delegation and triggers for the applications other than strategic.

3.11 All matters not reserved to Council, Cabinet or Committee (including the Planning Committee) are delegated to the Head of Service other than:

3.11.1 planning applications submitted by or on behalf of the Council for development where representations have been received objecting to the development on material planning grounds.

3.11.2 applications submitted by a Councillor or their spouse/partner, or on behalf of a Councillor or spouse/partner;

3.11.3 where a senior officer (Head of Service or above) or any officer of the Council who is engaged in the planning process has a pecuniary interest in the outcome of an application;

3.11.4 applications on which a Member of the Council has made representations in writing on the designated form Microsoft Word - Call In Electronic Form to the Head of Service (HoS) within 28 days of being notified that a valid application has been received and the HoS(in consultation with the Chair, Vice Chair and Legal Officer) is satisfied that it has been demonstrated that the request for referral raises valid planning reasons. Requests for referral which do not contain valid planning reasons will not be passed to Committee.

3.12 Where there is disagreement, the HoS in consultation with the Chair and Vice Chair will have the final determination whether the application should go to Committee. In any case where the Chair is the member making the referral, they will be prohibited from consulting on the decision and the decision will be made by the HoS in consultation with the Vice- Chair and Legal Officer. Members will be advised if the request for referral has been unsuccessful and the reason/s. Such decisions shall be final.

3.13 Any such request to the Head of Planning must include confirmation that they do not consider themselves to have a disclosable pecuniary interest relating directly to the Planning Permission or Advertisement Consent.

3.14 The request for referral shall only apply to applications for Planning Permission or Advertisement Consent and does not apply to resubmitted applications where no substantial change has been made to the original application which was refused or withdrawn.

3.15 Where the councillor requesting the determination by Planning Committee is unable to attend the meeting to speak, their submission, (either in writing or by prerecorded video), will be heard, provided he has registered his submission to the Committee Clerk or appropriate administrative officer in advance of the meeting, in accordance with any specified deadlines set out in Planning Committee's Public Speaking Procedure. In such circumstances, any letter or email shall be read by the Chair, Vice Chair, officer or any member nominated by the absent member.

3.16 If a member does not submit their submissions within the required timeframe, the Chair will have the discretion as whether the submission should be heard, whether it is by letter/ email or prerecorded video message.

3.17 Any matter which in the opinion of the Head of Planning in consultation with the Chair and Vice Chair raises significant planning issues and/or considers that it is in the public interest and /or is of such importance or sensitivity that the application should be considered by the Committee.

3.18 Planning applications which are defined as a departure from the adopted development plan for which the Secretary of State must be consulted as identified in the Town and Country Planning (Consultation) (England) Direction 2009 or in any successor document and where it is intended to recommend approval. (any departure that is of a certain scale would be picked up under the triggers for the Strategic Committee).

3.19 To make orders under planning powers relating to comprehensive development areas, the discontinuance of the use of land, or the removal of buildings and works where compensation may become payable.

3.20 To exercise on behalf of the Council the function of final approval of the Area Action Plans, and any other document including a Site Allocation Policy, which form part of the Local Plan.

3.21 To exercise a consultation and advisory role, commenting upon the content of proposed planning policy and upon the effectiveness of existing policies employed in development control decisions.

4 LICENSING AND REGULATORY COMMITTEES

Committee Structure

- 4.1 The Licensing functions of the Council shall be carried out by the following bodies:
- 4.1.1 A full Regulatory Committee of **10** Councillors in **political balance**;
 - 4.1.2 Sub-Committees to be established by the Regulatory Committee on an ad hoc basis, comprising 3 cross party Councillors drawn from the Regulatory Committee, to deal with Taxi, Gaming, Food, Miscellaneous Licensing and registration functions and Health and Safety functions (other than functions under the Licensing Act 2003 and Gambling Act 2005)
 - 4.1.3 A full Licensing Committee of **10** Councillors (which may otherwise not be less than 10 or more than 15) which need not be in political balance but which membership shall comprise the same Councillors as the Regulatory Committee; and
 - 4.1.4 Sub-committees to be established by the Licensing Committee on an ad hoc basis, comprising any 3 Councillors drawn from the full Licensing Committee, to deal with matters under the Licensing Act 2003 and the Gambling Act 2005.

Composition

- 4.2 The Chair and Vice-Chair of the Licensing and Regulatory Committees will be appointed by **Council** annually. The Vice-Chair will be from a different political group from the Chair of each respective Committee.

Quorum

- 4.3 The quorum for each of the Licensing and Regulatory Committees will be 3 Councillors.
- 4.4 The quorum for each Licensing or Regulatory sub-committee will be 2 Councillors.

Substitutes

- 4.5 There may not be substitutes appointed for the Licensing Committee or Sub-Committee. Each political group may appoint up to 4 substitute Councillors for the Regulatory Committee however those Councillors may not be appointed to a Regulatory Sub-Committee.

Competency

- 4.6 All members of the Licensing and Regulatory Committees and Sub-Committees and any Councillors attending as substitutes must, before attending a meeting

and participating in the determination of an application or appeal by any individual or body:

- 4.6.1 have undertaken appropriate training in the quasi-judicial nature of the Committee;
- 4.6.2 have undertaken appropriate training in the relevant law and procedures which relate to the Committee's work; and
- 4.6.3 undertake further appropriate training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Director.

Terms of Reference of Licensing Committee

4.7 Functions under both the Licensing Act 2003 and the Gambling Act 2005:

- 4.7.1 To determine applications for premises licences where relevant representations have been made;
- 4.7.2 To determine applications for provisional statements where relevant representations have been made;
- 4.7.3 To determine valid applications for review of premises licences where relevant representations have been made;
- 4.7.4 To determine whether a representation is irrelevant, frivolous or vexatious;
- 4.7.5 To determine whether to object when the Council is a consultee and not the relevant authority considering an application;
- 4.7.6 To decide on any other matter where it is necessary or desirable for Councillors to make that decision.

4.8 Functions under the Licensing Act 2003 alone:

- 4.8.1 To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- 4.8.2 To determine applications to vary designated premises supervisors following police objections;
- 4.8.3 To determine applications for transfer of premises licences following police objections;
- 4.8.4 To consider police objections made to interim authority notices;
- 4.8.5 To determine applications for club premises certificates where relevant representations have been made;

- 4.8.6 To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- 4.8.7 To determine valid applications for review of club premises certificates;
- 4.8.8 To decide whether to give counter notices following police objections to temporary event notices;
- 4.8.9 To determine applications for grants of personal licences following police objections;
- 4.8.10 To determine applications for renewals of personal licences following police objections;
- 4.8.11 To determine applications for grants of personal licences with unspent convictions;
- 4.8.12 To determine applications for grants of personal licences with convictions of offence during the application process;
- 4.8.13 To decide on revocation of personal licences where convictions come to light after grant;
- 4.8.14 To determine valid applications for review of premises licenses.

4.9 Functions under the Gambling Act 2005 alone:

- 4.9.1 To determine applications for variations of premises licences where relevant representations have been made;
- 4.9.2 To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- 4.9.3 To determine applications for the re-instatement of premises licences where relevant representations have been made;
- 4.9.4 To decide whether to give counter notices following objections to temporary use notices;
- 4.9.5 To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;
- 4.9.6 To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;
- 4.9.7 When the licence holder requests a hearing, to determine orders removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;

- 4.9.8 To determine applications for the grant or variation of licensed premises gaming machine permits for 2 or more machines;
 - 4.9.9 To determine applications for the grant of temporary event notices where relevant representations have been made;
 - 4.9.10 To determine applications for the grant of street trading licenses where relevant representations have been made;
 - 4.9.11 To determine applications for the grant of pavement café licenses where relevant representations have been made;
 - 4.9.12 To determine valid applications for review of premises licenses.
- 4.10 Functions under both the Licensing Act 2003 and the Gambling Act 2005
- 4.10.1 To determine whether to object when the Council is a consultee and not the relevant authority considering an application;
 - 4.10.2 To decide on any other matter where it is necessary or desirable for Councillors to make that decision.
- 4.11 Functions under the Licensing Act 2003 alone:
- 4.11.1 To prepare, review and agree the five year Statement of Licensing Policy for adoption by Full Council
- 4.12 Functions under the Gambling Act 2005 alone:
- 4.12.1 To prepare, review and agree the three year Statement of Gambling Policy for adoption by Full Council

Terms of Reference of Licensing Sub-Committees

- 4.13 Sub-Committees of three members of the Licensing Committee with responsibility for the Council's functions to deal with applications, determinations and reviews of licences, permissions and any related matter in respect of the Licensing Act 2003 or the Gambling Act 2005. Up to two further members of the Licensing Committee may attend with the Licensing Sub-Committee as observers.
- 4.14 The sub-committees make decisions in all individual cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal. This includes making decisions as to:
- 4.14.1 To determine applications for premises licences where relevant representations have been made;
 - 4.14.2 To determine applications for provisional statements where relevant representations have been made;
 - 4.14.3 To determine valid applications for review of premises licences

- 4.14.4 To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- 4.14.5 To determine applications to vary designated premises supervisors following police objections;
- 4.14.6 To determine applications for transfer of premises licences following police or Home Office objections;
- 4.14.7 To consider police objections made to interim authority notices;
- 4.14.8 To determine applications for club premises certificates where relevant representations have been made;
- 4.14.9 To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- 4.14.10 To determine valid applications for review of club premises certificates;
- 4.14.11 To decide whether to give counter notices following police objections to temporary event notices;
- 4.14.12 To determine applications for grants of personal licences with unspent relevant convictions;
- 4.14.13 To decide on suspension or revocation of personal licences where a licence holder is convicted of a relevant conviction;
- 4.14.14 To determine valid applications for review of premises licenses.
- 4.14.15 To determine applications for the grant of temporary event notices where relevant representations have been made;
- 4.14.16 To determine applications for variations of premises licences where relevant representations have been made;
- 4.14.17 To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- 4.14.18 To determine applications for the re-instatement of premises licences where relevant representations have been made;
- 4.14.19 To decide whether to give counter notices following objections to temporary use notices;
- 4.14.20 To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;

- 4.14.21 To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;
 - 4.14.22 When the licence holder requests a hearing, to determine orders removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
- 4.15 The Licensing Committee has the power to make final decisions on behalf of the Council in relation to its functions in this part.

Terms of Reference for Regulatory Committee

- 4.16 The Regulatory Committee and its sub-committees have all the functions which are stated not to be the responsibility of the Council's **Executive** in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S.I. 2853, as amended, or further amended, in any statute or subordinate legislation. This includes (but is not necessarily limited to) street trading, special treatment premises, sex establishments, dog breeding establishments, hackney carriage licenses (including vehicle and drivers licenses); private hire licenses (including vehicle, drivers and operators licenses and school transport drivers' licences); licensing marriage and entertainment and shops and food premises.
- 4.17 The Regulatory Committee may establish Sub-Committees of between three and five members of the Regulatory Committee (following a unanimous vote), which shall consist of members of more than one political group but shall otherwise not be subject to political balance (Council minute 7 of 13 April 2023 Appointment of Committees 2023/24 refers), with responsibility for the Council's functions to deal with applications, determinations and reviews of licenses or registrations and any related matter in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005)
- 4.18 The Regulatory Committee shall set fees and charges for all applications and licences within its remit, subject to any new fees being referred on to Executive.
- 4.19 The Regulatory Committee shall have responsibility for approving policies and procedures within its remit, subject to the rules in the Budget and Policy Framework.
- 4.20 The sub-committees make decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal. This includes making decisions as to:
- 4.20.1 whether or not to suspend, and/or
 - 4.20.2 revoke, and/or

- 4.20.3 refuse to renew, and/or
- 4.20.4 amend any conditions of any existing licence/permit/consent in any case which is referred to the Regulatory Committee by the designated officer where the holder has been:
- (a) convicted of an offence involving dishonesty, indecency or violence, and/or
 - (b) convicted of an offence or has failed to comply with the statutory provisions relating to the issue of any licence/permit/consent, or
 - (c) in breach of any conditions attached to the issue of any licence/permit/consent, and/or
 - (d) referred for any other reasonable cause.
- 4.20.5 To determine applications for grants of licence/permit/consent with unspent convictions;
- 4.20.6 To determine applications for grants of licence/permit/consent with convictions of offence during the application process.

4.21 The Regulatory Committee has the power to make final decisions on behalf of the Council in relation to its functions in this part.

5 OVERVIEW AND SCRUTINY COMMITTEES

Composition

5.1 The Council has established the following Overview and Scrutiny Committees, each comprising the specified number of Councillors, which may be altered to accommodate the overall political balance calculation:

Name of Committee	Number of Councillors
Business and Resources Overview and Scrutiny Committee	8
Health Overview and Scrutiny Committee	8
People Overview and Scrutiny Committee	8
Place Overview and Scrutiny Committee	8

5.2 Members of the Committees must not be Executive Councillors.

5.3 The Chairs and Vice Chairs will be appointed by Council annually.

- 5.4 Either the Chair or the Vice Chair for each Committee must be a member of a minority political group, or an independent Councillor.
- 5.5 All remaining political group members, with the exception of Executive Councillors who cannot be members of overview and scrutiny committees, are named substitutes on the Overview and Scrutiny Committees.

Quorum

- 5.6 The quorum for each Overview and Scrutiny Committee will be 3 Councillors.

Terms of Reference of the Overview and Scrutiny Committees

- 5.7 The Overview and Scrutiny Committees:
 - 5.7.1 will discharge the Council's functions under section 9F Local Government Act 2000;
 - 5.7.2 will be responsible for the Council's scrutiny function including the preparation, implementation, monitoring and review of an annual work programme for overview and scrutiny in accordance with the objectives of the Council Plan and arrangements for the scrutiny of other public bodies particularly where required to do so by law. At the first meeting each year of the Overview and Scrutiny Committee, it will consider and agree the work programme.
 - 5.7.3 will ensure, as part of the overall role, that the Chief Executive and Leadership Team discharge their responsibilities effectively and efficiently in relation to the overview and scrutiny function.
 - 5.7.4 will scrutinise decisions of or actions taken by the Executive, and offer advice or make recommendations on the matter under scrutiny once the Committee has considered the issues
 - 5.7.5 will scrutinise matters coming before Executive for decision and respond appropriately to the Executive on the matter once the Committee has considered the issues fully
 - 5.7.6 will review or scrutinise decisions or actions taken in respect of any functions which are not the responsibility of the Executive and make reports or recommendations to the Council, or appropriate body of the Council
 - 5.7.7 may establish such sub-committees or task and finish groups, appointing the Chair in accordance with the Council's criteria and with such membership as it sees fit, to undertake scrutiny on a task and finish basis.
 - 5.7.8 may refer to the Council or appropriate committee/sub-committee any matter which, following scrutiny, the Committee determines should be brought to the attention of the Council or the committee or sub-committee and may, if requested, offer any views or advice to the

Executive in relation to any matter referred to the committee for consideration

- 5.7.9 may undertake reviews with a cross-service approach and make reports and recommendations to the Council (or other appropriate Council body) or the Executive to assist in the review of policies and strategies
- 5.7.10 may offer advice and make recommendations to the appropriate body of the Council on the review of policy, services and aspects of services where there is an identifiable need, by itself or through setting up a Task and Finish Group
- 5.7.11 in performing its role, the Committee may consult and involve the local community and other local public, private and voluntary bodies or organisations, including the Council's Community Panels.
- 5.7.12 may review the Council's response to its obligations in respect of the overall performance management regime and, where appropriate, to advise the Executive or appropriate body of the Council of its findings
- 5.7.13 may advise the Executive and Council, as appropriate, of the Committee's response to the formulation of the Council's Budget and performance management reports
- 5.7.14 may recommend that a decision made but not yet implemented, and taken in respect of a function which is the responsibility of the Executive be reconsidered by the Executive
- 5.7.15 may scrutinise decisions after implementation to examine their effect and outcomes
- 5.7.16 may make reports or recommendations to the appropriate body of the Council in respect of any matters which affect the Council's area or its inhabitants
- 5.7.17 may review and make recommendations in relation to matters which are not the direct responsibility of the Council but which affect the social, economic or environmental well-being of an area or the Council's area as a whole or under any statutory requirement or Council contract, procedure or practice
- 5.7.18 may give partner authorities notice in writing requiring them to have regard to the report or recommendations of the Committee in exercising their functions
- 5.7.19 may invite expert witnesses, Councillors, officers and partners to answer questions
- 5.7.20 will ensure, in conjunction with the Standards Committee, that the Council has in place appropriate mechanisms to protect organisational integrity, including the development of appropriate policies and guidance

- 5.7.21 will consider and advise the Executive in respect of “call-in” notices under the Council’s relevant procedures.
 - 5.7.22 will work with or appoint representatives to work with other local authorities and organisations to carry out joint scrutiny.
 - 5.7.23 may create Task and Finish Groups and set their Terms of Reference, to fulfil the Overview and Scrutiny requirements of the Council and the Annual Overview and Scrutiny Work Programme.
 - 5.7.24 will approve an Annual Overview and Scrutiny Work Programme, to be kept under review and updated as required.
 - 5.7.25 will produce an Annual Report to Council for the scrutiny process.
 - 5.7.26 will report to Council as required on the committee’s performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
 - 5.7.27 will discharge the Council’s relevant functions in relation to the reduction of crime and disorder, health, and flood risk
- 5.8 The division of areas on interest for each Overview and Scrutiny Committee shall be as set out below. Areas of interest that cover one or more areas may be subject to joint working or division as may be determined between the Chairs of the Committees between them.

5.8.1 **Business and Resources Overview and Scrutiny Committee**

(a) Composition

No special membership required. The Committee will meet at least six times annually.

(b) Terms of Reference

Overview and Scrutiny of all the powers and duties of the Council relating to strategic planning, budget, transformation, corporate policy.

5.8.2 **Health Overview and Scrutiny Committee**

(a) Composition

No special membership required. The Committee will meet at least six times annually.

(b) Terms of Reference

Overview and Scrutiny of all the powers and duties of the Council relating to health services and public health.

5.8.3 **People Overview and Scrutiny Committee**

(a) **Composition**

The People Overview and Scrutiny Committee shall include in addition to its membership the following voting representatives:

- (i) Church of England diocese representative (1);
- (ii) Roman Catholic diocese representative (1); and
- (iii) Parent Governor representatives (3).

If the Committee deals with other than education matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

The Committee will meet at least six times annually.

(b) **Terms of Reference**

Overview and Scrutiny of all the powers and duties of the Council relating to children's social care, early years, education, SEND, youth justice, adult social care and public protection.

In addition, the People Overview and Scrutiny Committee will include in its terms of reference the Armed Forces Covenant and duty.

Note: The covenant is a means of ensuring that those who serve or have served in the armed forces, and their families, are treated fairly. The Armed Forces Act 2021 has created a legal obligation to have due regard to such persons when exercising relevant functions.

The Committee will also be responsible for scrutinising any similar policy initiatives.

5.8.4 **Place Overview and Scrutiny Committee**

(a) **Composition**

No special membership required. The Committee will meet at least six times annually.

(b) **Terms of Reference**

Overview and Scrutiny of all the powers and duties of the Council relating to environment, strategic infrastructure, highways and transport, housing and homelessness, economic development and planning, Cumbria Local Enterprise Partnership, community engagement and community panels, community safety, Community Safety Partnership.

In addition, the Place Overview and Scrutiny Committee will include in its terms of reference crime, community safety, and fear of crime, including CONTEST, Prevent and Channel.

Note: CONTEST refers to the National Counter Terrorism Strategy which is split into four workstreams known as the 4Ps. This includes "Prevent" which is intended to stop individuals being drawn into, or supporting, terrorism and includes countering terrorist ideology and challenging those who promote it. A key element is "Channel" which is intended to protect the vulnerable being drawn into terrorism. The Council has the statutory responsibility to lead the Channel Panel, a multi-agency approach to protecting the vulnerable, by identifying those at risk, assessing the nature and extent of the risk and developing support plans for individuals.

The Committee will also be responsible for scrutinising any similar policy initiatives.

6 HEALTH AND WELLBEING BOARD

- 6.1 The Health and Wellbeing Board exists to provide strategic leadership and promote closer integration of health and care, through partners working together to ensure that everyone in the area is able to benefit from improvements in health and wellbeing. The Health and Wellbeing Board will discharge the functions set out in s194 of the Health and Social Care Act 2012.
- 6.2 The Board will meet four times a year, or as business requires.

Composition

- 6.3 Core membership of the Health and Wellbeing Board is prescribed in the Health and Social Care Act 2012 as:
- 6.3.1 At least one elected representative of Cumberland Council, nominated by the Leader;
 - 6.3.2 A representative from each Clinical Commissioning Group whose area falls within the Cumberland district;
 - 6.3.3 Director of Adult Social Care and Housing;
 - 6.3.4 Director of Children and Family Wellbeing;
 - 6.3.5 Director of Public Health, Customer and Community Wellbeing;
 - 6.3.6 A representative from the local Healthwatch organisation;
 - 6.3.7 A representative of the NHS Commissioning Board (for the purpose of participating in the preparation of JSNAs and the JHWS or when any matter relating to the exercise or proposed exercise of the NHS Commissioning Board's commissioning functions in relation to Cumberland district is under consideration).
- 6.4 The Board may add members beyond those prescribed in the legislation where it considers that those other members may bring particular skills or perspectives or who have key statutory responsibilities which can support the Board's work.
- 6.5 In carrying out its role, the Board may:
- 6.5.1 Establish sub-committees and task groups.
 - 6.5.2 Commission and receive reports from its sub-committees and task groups to take up additional work on research on policies, service improvement and local needs.
 - 6.5.3 Invite appropriate representatives and bodies to give evidence.

Quorum

- 6.6 Quorum for the Health and Wellbeing Board shall be one quarter of its full membership

Role of the Board

- 6.7 The Health and Wellbeing Board has the following functions:

6.7.1 **Leadership** - To lead and direct the health and wellbeing system to ensure that partners improve services and make the best use of resources to deliver better outcomes for people. Specifically, the Board is responsible for:

- (a) providing a structure for strategic local planning and accountability of health and wellbeing related services
- (b) providing area-wide strategic leadership to public health, NHS, adults social care, children's social care and other relevant local authority commissioning - acting as a focal point for determining and agreeing health and wellbeing priorities and outcomes and resolving any related conflicts
- (c) encouraging integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (i.e. lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services
- (d) considering the draft strategic plans for healthcare, social care and public health to ensure that they deliver the Board's strategic priorities and outcomes and agreeing whether to recommend them to the relevant decision making body(ies)
- (e) ensuring a comprehensive engagement voice is developed as part of the implementation of HealthWatch.

6.7.2 **Understanding** - To identify and develop a shared understanding of the needs and opportunities for improving people's health and wellbeing in the area and to lead the development of a Joint Strategic Needs Assessment. Specifically, the Board is responsible for:

- (a) assessing the needs of the local population and lead the statutory joint strategic needs assessment ('JSNA')
- (b) ensuring that the JSNA is based on the best evidence and data available so that it is fit for purpose and reflects the needs of local people, users and stakeholders

- (c) ensuring that the JSNA drives the development of the Joint Local Health and Wellbeing Strategy and influences other key plans and strategies across the County
- (d) ensuring that the Integrated Care Boards, Local Integrated Care Partnerships, Place Based Partnerships, Local Authorities and NHS England demonstrate how the JSNA has driven decision making
- (e) preparing a Pharmaceutical Needs Assessment for the area at least every three years.

6.7.3 **Strategy** - To prepare, agree and publish a Joint Local Health and Wellbeing Strategy (JLHWS) for Cumberland to ensure that the services required to meet the needs identified in the JSNA are delivered in a planned, coordinated and measurable way. Specifically, the Board is responsible for:

- (a) developing an agreed set of strategic priorities to focus both collective effort and resources across the area
- (b) ensuring plans and priorities, within both individual organisations and for systems (including Integrated Care Partnership strategies), are aligned and support the delivery of this Strategy.

6.7.4 **Assurance** - To ensure a collective awareness of the major changes, pressures and risks across health and wellbeing services and provide opportunity to review, comment and consider the opportunities for collaborative approaches to address or manage these. Specifically, the Board is responsible for:

- (a) overseeing and reviewing performance in the delivery of the JLHWS
- (b) receive regular reports on the implementation of respective health and care system plans
- (c) monitoring health and wellbeing improvements and outcomes across the area and be accountable for the overall strategic performance management of agreed countywide health and wellbeing outcomes
- (d) receiving updates on areas where performance needs to be addressed
- (e) receiving assurance that improvements that are required as part of the regulatory regime are being delivered

6.7.5 **Accountability** - To be assured that the decisions of the Board and partners, and their subsequent outcomes, are clearly focused on improving the health and wellbeing of people in the area. Specifically, the Board is responsible for:

- (a) ensuring that appropriate structures and arrangements are in place to ensure the effective engagement and influence of local people and stakeholders
- (b) improving the transparency and accountability to local people of services, organisations and decision making connected to health and wellbeing
- (c) improving democratic accountability for health and wellbeing decision making
- (d) responding to the Joint Forward Plans prepared by Integrated Care Boards, including providing an opinion on whether the Joint Forward Plans take adequate account of the Joint Local Health and Wellbeing Strategy;
- (e) to receive and provide comment on the Integrated Care Boards' Joint Capital Resource Use Plans;
- (f) representing the area in relation to health and wellbeing issues across the sub regional and at national level.

6.7.6 **Partnership** - To ensure there is effective dialogue, engagement and joint working between county and local health and wellbeing structures and partnerships and with other key strategic partnerships and networks. Specifically, the Board is responsible for:

- (a) supporting and encouraging strong partnership working between local organisations in the area involved in health and wellbeing
- (b) actively engaging with the other key partnerships to ensure achievement of outcomes in all agreed areas and to extend the reach of the Joint Health and Wellbeing Strategy by ensuring alignment with other strategies and plans
- (c) receiving the Local Safeguarding Children's Board's and the Safeguarding Adult's Board Annual reports
- (d) encouraging wide engagement of partners throughout the Health and Wellbeing partnership structure by ensuring involvement in consultations, stakeholder events, good practice sharing, and task and finish groups
- (e) contributing to the Integrated Care Partnerships within the Cumberland district;
- (f) providing a forum for cross-system learning and support between jurisdictions and organisations.

6.7.7 **Integration** - To promote integration and partnership working between the NHS, social care, public health and other services. Specifically, the Board is responsible for:

- (a) supporting the development of integrated working with all partners in order to improve the outcome of local communities
- (b) supporting the delivery of joined up care between providers in order to improve health and wellbeing outcomes and reduce health inequalities
- (c) supporting the development of vibrant community places, linking local partners to address the wider determinants of health
- (d) enabling collaboration between commissioners, joint commissioning and pooled budgets, where this provides better integrated service delivery and outcomes
- (e) discharging all functions relating to the Better Care Fund that are required or permitted by law to be exercised by the Board including: Agreeing the Better Care Fund; and overseeing the delivery of the Better Care Fund and Improved Better Care Fund.

6.8 The Health and Wellbeing Board may have further functions delegated to it by the Council or Executive.

7 STAFFING COMMITTEE

Composition

- 7.1 The Staffing Committee will comprise **7** Councillors, which may be altered to accommodate the overall political balance calculation.
- 7.2 At least one of the Councillors appointed shall be an Executive Councillor and must be present at all meetings concerning the appointment or dismissal of a Chief Officer or Deputy-Chief Officer.
- 7.3 The Chair and Vice Chair will be appointed by Council annually.

Quorum

- 7.4 The Staffing Committee quorum will be 3 Councillors.

Substitutes

- 7.5 Each political group may appoint up to 4 substitute Councillors.

Competency

- 7.6 All members of the Staffing Committee and all Councillors attending as substitutes must:
 - 7.6.1 have undertaken mandatory training in the relevant law and procedures which relate to the Committee's work; and
 - 7.6.2 undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Director.

Terms of Reference for the Staffing Committee

- 7.7 To undertake those functions, not otherwise reserved to Council, in relation to the appointment of, determination of terms and conditions of employment for, and dismissal of **Chief Officers**, in accordance with the Employment Procedure Rules set out at Part 3 of the Constitution.
- 7.8 To undertake the Council's functions in relation to disciplinary action involving the Head of Paid Service, the Monitoring Officer, and/or the Chief Finance Officer, in accordance with the Employment Procedure Rules set out at Part 3 of the Constitution. In the event that the Committee hears a matter that could result in the dismissal of a **Statutory Officer** then the Independent Persons Panel shall be convened as soon as a recommendation is made by the Committee.
- 7.9 To consider and determine whether a Statutory Officer should be suspended either immediately or following a preliminary investigation into their conduct (and to review the suspension periodically and within 90 days of the original suspension or previous review). Where the Chair of the Staffing Committee determines that a decision on suspension is required immediately, in the

exceptional situation whereby allegations of misconduct are such that their continued presence at work poses a serious risk to the health and safety of others or to the resources, information or reputation of the Council, in consultation with the Monitoring Officer or, if conflicted, the Deputy Monitoring Officer, the Chair can take that decision without recourse to the Committee. A decision to suspend must be reviewed by the Committee as soon as it is practicable to do so.

- 7.10 To consider and recommend to Council for approval the Annual Pay Policy Statement.

Sub-Committees – Disciplinary/Grievance Panel and Appeals Panel

- 7.11 To establish sub-committees to act as an Appeal Panel to consider appeals against dismissal, grading and grievances by Chief Officers (except that there shall be no appeal against dismissal for the Head of Paid Service, Chief Finance Officer or Monitoring Officer). Where exercising the function of an Appeal Panel, membership shall consist of 3 Councillors, including at least one Executive Councillor, who have not been involved in the original relevant decision.

- 7.12 To establish sub-committees to determine matters relating to Officers' employment where there is a right of appeal to, or the right to request a review by, a committee or panel of Councillors.

- 7.13 Staffing Sub Committees and their Chairs will be appointed by Council annually.

8 INDEPENDENT PERSONS PANEL

Composition

- 8.1 At least two of the Independent Persons appointed by the Council under section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate. The Monitoring Officer shall invite the Independent Persons, as necessary/appropriate.
- 8.2 The Panel will be appointed from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:
- 8.2.1 an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area
 - 8.2.2 any other Independent Person who has been appointed by the authority
 - 8.2.3 an Independent Person who has been appointed by another authority or authorities.

Competency

8.3 Independent Persons must have undertaken appropriate training.

Functions of the Independent Persons Panel

- 8.4 The Independent Persons Panel is an advisory committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purpose of advising the Council on matters relating to the dismissal of the officers designated as the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer (together the “**Designated Statutory Officers**” or “DSOs”) in accordance with Schedule 3 to The Local Authorities (Standing Orders) (England) Regulations 2001.
- 8.5 The advice of the Independent Persons Panel must be sought in accordance with the Employment Procedure Rules where the Staffing Committee propose to recommend the dismissal of a DSO.
- 8.6 The advice of the Independent Persons Panel may (but need not) be sought by the Staffing Committee at any other point in an investigation under the process for dealing with disciplinary matters concerning a DSO or (if not conflicted) by the Standards Committee in respect of an appeal against a decision by the Staffing Committee in relation to disciplinary action concerning a DSO which is short of dismissal.
- 8.7 For the avoidance of doubt, the Panel may commission and have access to external legal and professional advice and may meet concurrently with an IDC hearing.

9 HARBOURS ASSURANCE COMMITTEE

Composition

9.1 The Harbours Assurance Committee will comprise **7** Councillors, which may be altered to accommodate the overall political balance calculation in political balance, to include the relevant Portfolio Holder. In addition, the Committee may co-opt between two and five non-voting members who are not elected members but who, in the opinion of the Committee, possess valuable skills and experience in support of the committee functions.

9.2 The Chair and Vice Chair will be appointed by Council annually. No co-optee shall be appointed either Chair or Vice Chair.

9.3 The Assistant Director for Assets and Fleet shall be the duty holder for the purposes of the Council's responsibilities under the Port Marine Safety Code for all Harbours in the area of the Council for which the council is the Statutory Harbour Authority and shall attend all meetings of the Committee.

Meetings

9.3 The number of ordinary meetings of the Harbours Assurance Committee will normally be determined by Full Council.

9.4 Meetings of the Committee shall be open to the public in accordance with the Access to Information Procedure Rules at Part 3 Section 3 of this Constitution. The first meeting of the Committee in each civic year shall include a private visit to the Port of Workington immediately before the public meeting. Other visits may be arranged with the agreement of the Chair where the Duty Holder considers that it would benefit the work of the Committee.

9.5 The Chair of the Harbours Assurance Committee shall have the power to call one or more special meetings of the Committee and may determine that a meeting should be cancelled for insufficient business.

Quorum

9.6 The Harbour Committee quorum shall be 3 Councillors. Each political group may appoint up to 4 substitute members, however, those members may only participate in the Committee where they have undergone appropriate training.

Functions of the Harbours Assurance Committee

9.7 The Harbours Assurance Committee is established by the Council as a Committee of the Council (under Section 102 of the Local Government Act 1972) to carry out the Council's functions in respect of the Port of Workington under the Harbours Act 1964 and the Workington Harbour Act 1974 (as amended).

9.8 The Council, as Statutory Harbour Authority (SHA) for the Port of Workington and as Competent Harbour Authority, operates the Port and Pilotage under the powers granted to it by the Workington Harbour Acts and Orders 1957 to 1999

and the Pilotage Act of 1987, and is a SHA under the Harbours Docks and Piers Clauses 1847 and subsequent Acts.

9.9 The Council is responsible for all areas within the Harbour limits prescribed in Section 12 (Harbour limits) of the Workington Harbour and Dock (Transfer) Act 1957 and the Workington Harbour Revision Order 1999.

9.10 The Harbour Committee shall:

- 9.10.1 Be responsible for advising the Duty Holder in their exercise of the functions of the Council as a harbour authority as defined in the Harbours Act 1964 and any other functions arising under any local Act and/or byelaw in respect of the operational issues in relations to harbour land of any harbours within the area of the Council not dealt with through any other mechanism;
- 9.10.2 Ensure the Council discharges all its statutory duties and functions as a Statutory Harbour Authority (SHA);
- 9.10.3 Receive quarterly reports on performance of the Harbour including health and safety matters and address any issues relating to performance;
- 9.10.4 Receive quarterly budget monitoring reports to ensure active monitoring and decision making in relation to the financial position and the Harbour reserve;
- 9.10.5 Have the power to advise the Executive in determining income and expenditure matters relating to the harbours for which it is responsible;
- 9.10.6 Be consulted in the developing and monitoring of the Harbour business plan;
- 9.10.7 Be represented (by the Portfolio Holder) on interview panels convened to consider the appointment of the Harbour Master and Port Manager; and
- 9.10.8 Consider any other matters referred to the Committee by the Duty Holder.

10 CORPORATE PARENTING BOARD

Summary

- 10.1 The Corporate Parenting Board is responsible for the welfare, wellbeing and promoting the best interests of all children and young people who are looked after by, and care leavers of, Cumberland Council.
- 10.2 The Board will seek and consider the voice of children, care leavers and carers and ensure they are involved in co-production of the work of the board.
- 10.3 The Board will seek to ensure that the Council treats Care Experience as if it were a protected characteristic.
- 10.4 The Board will seek to ensure the whole council and relevant partner agencies commit to excellent standards of corporate parenting with high aspiration and the right for strong and enduring relationships for all cared for children and care leavers at its heart.

Composition

- 10.5 The Executive Councillor for Children and Family Support will chair this Board. The vice-chair will be appointed by the Board annually at its first meeting.
- 10.6 The Corporate Parenting Board will comprise at least 6 Councillors of the Council or such greater number as may be determined by the Executive Councillor for Children and Family Support. Political Proportionality does not apply but the membership must include at least one member of each main group.
- 10.7 The Board may invite to attend any of its meetings and/or co-opt as members of the Board:
 - 10.7.1 Representatives from any Council department which it considers can usefully contribute to its work or any statutory or non-statutory partner organisation.
 - 10.7.2 Representatives of young people or carers of looked after children.

Quorum

- 10.8 The quorum for the Board is the Executive Councillor for Children and Family Support, together with at least 2 other members.

Terms of Reference of the Corporate Parenting Board

- 10.9 The Corporate Parenting Board will:
 - 10.9.1 Consider and set the overarching direction and priorities within the Council in relation to children and young people who are looked after and care leavers;
 - 10.9.2 Oversee and monitor the progress in delivering the policies, strategies and development plans in this area of the Council and,

where appropriate, partner agencies plans in respect of impact for looked after children and care leavers;

- 10.9.3 Monitor and challenge performance and impact for children, using a range of performance data and quality assurance information.
- 10.9.4 Seek assurance that delivery is achieving desired outcomes and impact in respect of children and young people who are looked after and care leavers. This is to include arrangements to ensure placements are appropriate to children's needs, how foster families are supported, arrangements for leaving care, performance in respect of adoption, and achievement of timescales in relation to the planning of care.
- 10.9.5 Seek assurance that delivery is achieving desired outcomes and impact in respect of children and young people who are looked after and care leavers. This is to include arrangements to ensure placements are appropriate to children's needs, how foster families are supported, arrangements for leaving care, performance in respect of adoption, and achievement of timescales in relation to the planning of care.
- 10.9.6 Review such policies, strategies and plans of the Council as the Board considers appropriate, to assess whether they make explicit their contribution to improving outcomes for children and young people who are looked after and care leavers, and to make recommendations to Councillors and officers as to how such plans could better meet this requirement.
- 10.9.7 Monitor the engagement and participation across the whole council in respect of the implementation of the Council's Pledge to Young People in Care, our children's 'Promise', the Local Offer for Care leavers and the Council resolution 29th July 2022 to treat care experience as a protected characteristic.
- 10.9.8 Ensure the participation of children and young people via the Children in Care Council, Care Leaver in Cumbria group and via the Care Leaver Ambassadors. Make proposals to the Executive Councillor responsible for Children's Services or to Executive for its development.
- 10.9.9 To consider the outcome of regulatory visits and inspection reports on provision for children in care and care leavers and to receive regular reports on;
 - (a) The work of the adoption and fostering services;
 - (b) The education of children in care;
 - (c) Provision for children and young people leaving care, housing and education, employment and training for care leavers; and
 - (d) Work with those in the secure estate.

- 10.9.10 Seek assurances over the placement of children and young people out of the Council's area, and the placement of children and young people from out of area into the Council's area.
 - 10.9.11 Make such representations as the Board considers appropriate to the Executive and the Director of Children's Services.
 - 10.9.12 Set high expectations for, and promote the best interests of, all children and young people who are or have been looked after and care leavers. This includes ensuring services are sensitive to the culture, ethnic origin and identity of children and young people who are looked after and care leavers, and addressing any issues related to discrimination or unfair treatment.
 - 10.9.13 Promote the role of all Councillors as corporate parents, including identifying and meeting the development needs of Councillors, to enable them to understand and carry out their corporate parenting role.
 - 10.9.14 Nominate one of its members to sit on the Governance Board of the Virtual School for looked after children.
 - 10.9.15 Make a written report, at least annually, to Executive, Council and Scrutiny, on the Board's activities.
- 10.10 The Board may make recommendations to a Scrutiny Committee for scrutiny of any matter within its terms of reference. Acceptance of such recommendation shall be at the discretion of the Scrutiny Chair.
- 10.11 The Board may also refer matters relating to the health and wider well-being of children looked after and care leavers to the Health and Wellbeing Board and the Children's Trust Board; and may consider the strategies and priorities of those Boards in so far as they affect the lives of children looked after and care leavers.
- 10.12 The Board may establish one or more sub-groups to carry out detailed work in respect of any aspect of its terms of reference and report to the Board.
- 10.13 The Board may invite participation in a sub-group from any of the persons or representatives of organisations that are eligible to be invited to or co-opted on to the Board.

11 JOINT ARRANGEMENTS

- 11.1 The Council or the Leader may, in order to promote the economic, social or environmental well-being of its area:
- 11.1.1 Enter into arrangements or agreements with any person or body;
 - 11.1.2 Cooperate with, or facilitate or coordinate the activities of, any person or body; and
 - 11.1.3 Exercise on behalf of that person or body any functions of that person or body.
- 11.2 The Council may establish joint arrangements with one or more local authorities and/ or their executives to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other Authorities.
- 11.3 The Leader may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- 11.4 Joint arrangements may be established to discharge a number of functions on behalf of a Council, some of which are the responsibility of the executive and some of which are the responsibility of the Council as a whole, and appointment of members of the joint committee to represent the Council must be made with the agreement of the Leader. The political balance requirements will not apply.
- 11.5 Except as set out below, the Leader may only appoint Executive Councillors to a joint committee and those Councillors need not reflect the political composition of the Council as a whole.
- 11.6 The Leader may appoint Councillors to a joint committee who are not members of the Executive in the following circumstances:
- 11.6.1 where the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the council by area or population. In such cases, the Executive may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area;
 - 11.6.2 where the joint committee is discharging a function in relation to five or more local authorities. In this case, the Leader may appoint to the joint committee any member of the Council and the political balance requirements do not apply to such appointments;
 - 11.6.3 where the function which the joint committee is discharging is a function which is required by statute to be discharged by a joint committee. In this case, the Leader may appoint to the joint committee any member of the Council and the political balance requirements do not apply.

Access to Information

- 11.7 The Access to Information Rules in this Constitution apply.
- 11.8 If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.

Delegation to and from other Local Authorities

- 11.9 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another authority.
- 11.10 The Leader may delegate executive functions to another local authority or the executive of another authority in certain circumstances.
- 11.11 The decision whether or not to accept such a delegation from another local authority shall be reserved to Council.

Contracting Out

- 11.12 The Leader may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994 or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

12 JOINT COMMITTEES

The Council has the following Joint Committees

Shared (Hosted) Functions and Services

12.1 Joint Executive Committee

12.1.1 Scope

A Joint Executive Committee has been established under an Inter-Authority Agreement to oversee the management of those services which are provided on a Cumbria-wide basis on behalf of the Cumberland and Westmorland and Furness Authorities to ensure effective delivery of such services and to provide strategic direction

12.1.2 Joint Executive Committee - Composition

- (a) Each Authority shall appoint **4** Executive Councillors as its nominated members of the Joint Executive Committee. The Councillors appointed will have full voting rights.
- (b) Each Authority may nominate one or more substitute Members to attend any meeting in place of an appointed Member (who shall also be Executive Councillors) subject to notification being given to the Monitoring Officer via the relevant Democratic Services team before the start of the meeting. The Councillor appointed as a substitute shall have full voting rights.
- (c) Each member of the Joint Executive Committee shall comply with the Code of Conduct of their Authority when acting as a member of the Joint Executive Committee.
- (d) Each member of the Joint Executive Committee shall serve on the Joint Executive Committee for as long as they are appointed to the Joint Executive Committee by their Authority's Executive but a Councillor shall cease to be a member of the Joint Executive Committee if they cease to be a member of the Executive appointing them or if the relevant Authority removes them from the Joint Executive Committee.
- (e) Meetings of the Joint Executive Committee shall be carried out on a rotational basis in alternate Authority areas.
- (f) Cumberland Council shall host the Joint Executive Committee for the first six months, whereupon Westmorland and Furness Council shall host for the following six months. Hosting shall continue in this alternate pattern thereafter.
- (g) Each Authority shall appoint at its annual meeting one of its nominated members as Co-Chair.

- (h) The member appointed as Co-Chair by the relevant Host Authority shall act as Chair until the first meeting taking place after the elapse of **six months** from the time of their appointment unless they cease to be a member of the Joint Executive Committee. On the expiry of the first Co-Chair's term of office as Chair, the member appointed by the other Authority shall take over as Chair for a further period of six months. The same procedure shall be followed for the appointment of the Co-Chair in subsequent years.
- (i) The member appointed as Co-Chair for the non-hosting Authority shall act as Vice-Chair until the first meeting taking place after the elapse of **six months** from the time of their appointment unless they cease to be a member of the Joint Executive Committee. On the expiry of the first Co-Chair's term of office as Vice-Chair, the member appointed by the other Authority shall take over as Vice-Chair for a further period of six months. The same procedure shall be followed in subsequent years.
- (j) Proposed key decisions of the Joint Executive Committee will be published on the Forward Plan for each Authority in accordance with their own Access to Information Rules.
- (k) Meetings will be governed by the Executive Procedure Rules and the Access to Information Rules for each Authority, including public speaking and questions, and where they might differ will be those of the Authority of the Chair unless otherwise agreed between the Monitoring Officers of the two Authorities as to which of the two sets of Rules will be applied.
- (l) The Joint Executive Committee shall normally meet once every two months (bi-monthly) unless otherwise determined by the Joint Executive Committee. Cancellation of meetings shall be agreed by the Joint Executive Committee or both Leaders.
- (m) The Authority providing the Chair shall also provide the host arrangements for Democratic Services and for the Monitoring Officer to act as proper officer to the Joint Executive Committee.
- (n) Additional meetings can be called by the relevant Monitoring Officer by providing at least five clear days' notice to members of the Joint Executive Committee, for the purposes of resolving urgent matters arising between the bi-monthly meetings. Additional meetings may be called if either Leader requests it.
- (o) The relevant Democratic Services team will send out the agenda, record minutes and arrange for the sign off of minutes in accordance with the procedure rules for the relevant Authority.

- (p) A meeting of the Joint Executive Committee will require a quorum of at least **2** members from each Authority.

12.1.3 Joint Executive Committee - Terms of Reference

Joint Executive Committee - Terms of Reference

Pursuant to Section 101 of the Local Government Act 1972, and to their powers under section 9EB LGA of the Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, the Authorities' Executives have charged the Joint Executive Committee with responsibility for the exercise of:

Hosted and shared services:

- (a) Developing and approving the Service Strategies for each of the shared Functions and Services.
- (b) Ensuring that Service Strategies and the resources and budgets required to deliver the Service Strategies are in place.
- (c) Agreeing the responsibilities of each Authority to deliver the Service Strategies, including any specific responsibilities of the Host Authority and that the responsibilities are documented within the Service Strategies.
- (d) Ensuring that the services are provided within the policy and budget set by the Authorities.
- (e) Ensuring that the arrangements ensure that each Authority's statutory responsibilities are met.
- (f) Overseeing the implementation of the Service Strategies, including reviewing the performance of the services against budget and indicators for service quality, performance and efficiency, and initiating additional action where appropriate.
- (g) Ensuring that clear operational policies are in place and that these are complied with.
- (h) Agreeing the basis for apportioning cost between the two Authorities and the amount to be apportioned.
- (i) Ensuring that effective risk management arrangements are in place, that the Functions and Services are subject to adequate and independent audit and that any audit recommendations are acted upon.
- (j) Approving business cases for proposed changes and overseeing the progress of subsequent work.

- (k) Ensuring that there are robust plans for the disaggregation of services as and when required and that there is a smooth transition to separate or new arrangements.
- (l) Resolving issues that are referred to the Joint Executive Committee by the Joint Officer Board or relevant Chief Officers of the Service
- (m) Delegating functions of the Joint Executive Committee to officers of either Authority under s.101 Local Government Act 1972.
- (n) Agreeing arrangements to place staff employed by one of the authorities at the disposal of the other authority to carry out the functions of the Joint Executive Committee as described above under s.113 Local Government Act 1972.
- (o) Take decisions in relation to the commissioning and procurement of services either hosted or under a lead authority arrangement from a third party.
- (p) Responding to reports or recommendations from the Joint Overview and Scrutiny Committee or one or both of the Authorities.
- (q) Providing an Annual Report to each of the two Authorities Executive and Council meetings on the performance, finances and proposed service improvements including any arrangements for disaggregation.

LEP functions:

Pursuant to Section 101(5) of the Local Government Act 1972, and to their powers under section 9EB of the Local Government Act 2000 and Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, the Councils' Executives have charged the Joint Executive Committee with responsibility for the exercise of:

- (a) Setting the strategic direction and oversight of the Cumbria-wide core economic functions formerly delivered by Cumbria LEP namely business representation strategic economic planning and responsibility for the delivery of government funding where directed.
- (b) Approving the Cumbria Economic Growth Strategy and other related documents strategies and plans which meets Cumbria's needs and government's expectations for local economic planning.
- (c) Providing a voice for Cumbria on strategically important economic issues and influence and aligning government public and private investment in order to boost inclusive economic growth across Cumbria.
- (d) Agreement of the Transition Plan and monitoring of the Transition Plan.
- (e) Agreeing the budget and undertaking oversight and monitoring the budget for the Cumbria wide economic growth functions the management of which is the responsibility of the accountable body.

- (f) Ongoing oversight monitoring and review of the Cumbria wide economic programmes grants assets functions and programmes transferred from the LEP and oversight of any new Cumbria wide funding programmes or grants as directed by Government or agreed by the Joint Executive Committee.
- (g) Agreeing the allocation of revenue and capital spend previously under the control of the Cumbria LEP Board and relating to the delivery of the live and legacy LEP Programmes.
- (h) The Joint Executive Committee may determine as appropriate to jointly fund or augment ongoing work or any future initiatives, subject to approval from the constituent authorities.
- (i) Reviewing the annual report on the activities relating to strategic economic planning and delivery.
- (j) Receiving a quarterly report from the Section 151 Officer of the accountable body on the management of associated funding, confirmation of continued value for money/best value represented, and annually the financial accounts and assurance information required by Government.
- (k) Agreeing and keeping under review the assurance framework to deliver Cumbria wide economic growth functions, including any sub boards or advisory groups.
- (l) Through an open and transparent process appointing the Members, Chair and Vice Chair of the Cumbria Economic Growth Board and agreeing the Terms of Reference.
- (m) Ensuring the Economic Growth Board members appointed represent a wide range of business, sectors, types, sizes, and locations representing the economic strengths, sectors and priorities for Cumbria.
- (n) Oversight of the stronger Local Resilience Framework Pilot Programme.

12.2 Joint Overview and Scrutiny Committee

A Joint Overview & Scrutiny Committee has been established under the above referenced Inter-Authority Agreement to provide oversight support and to scrutinise the work of the Joint Executive Committee for the oversight and management of the shared Functions and Services, including the development and delivery Service Strategies and, where applicable, the implementation of disaggregation plans.

12.2.1 Joint Overview and Scrutiny Committee - Composition

- (a) Each Authority shall appoint **6** Councillors (being non-executive councillors) on a politically proportionate basis as its nominated

members of the Joint Overview and Scrutiny Committee. The Councillors appointed will have full voting rights. The Committee may co-opt non-voting members to assist it in its functions.

- (b) The political groups of each Authority may nominate up to 4 substitute members (who shall also be non-executive councillors) who shall have full voting rights.
- (c) Each member of the Joint Overview and Scrutiny Committee shall comply with the Code of Conduct of their Authority when acting as a member of the Joint Overview and Scrutiny Committee.
- (d) Each member of the Joint Overview and Scrutiny Committee shall serve on the Committee for as long as they are appointed to the Joint Overview and Scrutiny by the relevant Authority.
- (e) Meetings of the Joint Overview and Scrutiny Committee shall be carried out on a six monthly rotational basis in alternate Authority areas.
- (f) A meeting of the Joint Overview and Scrutiny will require a quorum of at least **2** members from each Authority.
- (g) Each Authority shall appoint at its annual meeting one of its nominated members as Co-Chair of the Joint Overview and Scrutiny Committee.
- (h) The Co-Chair from the Authority which is not hosting the Joint Executive Committee shall chair the Joint Overview and Scrutiny Committee. The term of office and rotation of the Authority from which the Chair is appointed will rotate in synchronisation with the rotation and appointment of the Chair of the Joint Executive Committee.
- (i) The member appointed as Co-Chair for the non-hosting Authority shall act as Vice-Chair of the Joint Overview and Scrutiny Committee.
- (j) Meetings will be governed by the Access to Information Rules for each Authority, including public speaking and questions, and where they might differ will be those of the Authority of the Chair unless otherwise agreed between the Monitoring Officers of the two Authorities as to which of the two sets of Rules will be applied.
- (k) The Joint Overview and Scrutiny Committee shall normally meet once every two months (bi-monthly) unless otherwise determined by the Joint Overview and Scrutiny.
- (l) The Authority providing the Chair shall also provide the host arrangements for Democratic Services and for the Monitoring Officer to act as proper officer to the Joint Overview and Scrutiny. The

relevant Democratic Services will send out the agenda, record minutes and arrange for the sign off of minutes in accordance with the procedure rules for the relevant Authority.

- (m) The scrutiny officer function shall be a shared function between the Authorities but which shall, where required, be led by the scrutiny officer of the Authority providing the Chair.
- (n) The **Call-In** mechanism will be affected by a request of any 5 members of the Committee of either Authority sent to the Monitoring Officer of either authority and containing details of the decision requested to be subject to call-in and the reasoning why. The process will then otherwise follow the call-in criteria, procedure and meeting requirements in respect of any subsequent meeting to be held of the Joint Overview and Scrutiny Committee in accordance with the Authorities' Overview and Scrutiny Procedure Rules. Where the Procedure Rules might differ, those applied will be the Overview and Scrutiny Procedure Rules of the Authority of the Chair unless otherwise agreed between the Monitoring Officers.

12.2.2 **Joint Overview and Scrutiny Committee - Terms of reference**

The Joint Overview and Scrutiny Committee is established under s101 and s 102 Local Government Act 1972 and to conduct the Authorities' functions under sections 9F and 9FA of the Local Government Act 2000 in respect of:

- (a) those functions exercised by the Joint Executive Committee;
- (b) the shared Functions and Services for which the Joint Executive Committee is responsible;
- (c) those decisions taken by the Joint Executive Committee, including those as delegated to an officer and those prospective decisions set out on the Forward Plan of decisions published in respect of the Joint Executive Committee; and
- (d) the 'call-in' function relating to these responsibilities, which shall be in the place of those call-in functions that might otherwise be exercised by the individual Authorities.

12.2.3 **Joint Overview and Scrutiny Committee - Approach**

In fulfilling these functions the Joint Overview and Scrutiny Committee will seek to:

- (a) Develop a forward work programme of activities
- (b) Review or scrutinise decisions made, or other action taken by the Joint Executive Committee

- (c) Seek reassurance and consider whether the Functions and Services are operating in accordance with the Service Strategies, including the budgets and any implementation plans for disaggregation and continuing service provision
- (d) Identification of barriers to progress, best practice and possible improvements.
- (e) Holding the Joint Executive Committee to account by providing critical challenge to ensure that it provides the high-level strategic direction for the implementation of the Service Strategies.

12.3 Cumbria Police, Fire and Crime Panel

A Joint Police, Fire and Crime Panel as required by the Police Reform and Social Responsibility Act 2011 has been established as a joint committee under sections 101 and 102 of the Local Government Act 1972 to provide support and to scrutinise the work of the Police and Crime Commissioner and Cumbria Commissioner Fire and Rescue Authority (**the Commissioner**).

12.3.1 Joint Police, Fire and Crime Panel – Approach

- (a) The authorities comprising the Police, Fire and Crime Panel are Cumberland Council and Westmorland and Furness Council.
- (b) The authorities shall agree a Host Authority for the Secretariat for the Panel, which shall provide democratic support, Monitoring Officer support and such scrutiny, legal, financial, administrative and other support as is reasonably required to enable the Panel to undertake its functions within the resources agreed by the Panel.
- (c) Westmorland and Furness Council shall act as the initial Host Authority until such time as either:
 - (i) The Panel resolves at its annual meeting (held in July of each year) that another Authority should carry out this function, provided that such other Authority agrees. In which case, the function will be transferred twelve months after the Panel decision unless a shorter period is agreed between the existing Host Authority and the new Host Authority; or
 - (ii) The Host Authority serves notice that it no longer wishes to be the Host Authority and this function is transferred to another Authority in which case, a twelve month notice period will apply, unless a shorter period is agreed between the existing Host Authority the new Host Authority.

- (d) The Host Authority will be responsible for ensuring that agendas, summons and papers are sent out that comply with the requirements of the Local Government Act 1972. The notice of meeting and summons will be signed by the Proper Officer of the Host Authority.
- (e) Meetings will be governed by the Access to Information Rules for the Host Authority. Public reports, agendas and minutes will be published on the dedicated webpage provided by the Host Authority, to which other authorities are invited to provide a link.
- (f) Members are under an obligation not to disclose any confidential or exempt information that they obtain as a member of the Panel when it has been made clear to them that the information is not in the public domain.
- (g) Reports to the Panel must make reference to statutory or legal provisions to which the Panel must have regard.
- (h) Where, in the view of the Host Authority's Monitoring Officer, a decision within the Panel's remit is sufficiently urgent that it cannot wait for the next meeting of the Panel and it is not in the public interest that the matter should be delayed, then the Host Authority's Chief Executive Officer may decide the matter in consultation with Chairman of the Panel. The action taken will be reported to the next meeting of the Panel. This paragraph does not empower the Chief Executive to take any decision on a matter which is reserved by law to the Panel. All urgent decisions will be reported, in writing, to the next Panel meeting.

12.3.2 Joint Police, Fire and Crime Panel - Composition

- (i) The Panel shall comprise 10 councillors and 2 independent, co-opted members.
- (j) Each authority shall appoint 5 Councillors. No substitutes are permitted.
- (k) When appointing councillors, each authority shall have regard to:
 - (i) The 'balanced objective requirement' in its annual appointment process, namely the need to represent all parts of the police force and fire and rescue service area; the need to represent the political makeup of the authorities taken together; and the need to have the skills, knowledge and experience necessary to enable the Panel to discharge its functions effectively, and
 - (ii) The Fire and Rescue expertise objective namely the objective that members of the Panel (when taken together) have the skills, knowledge and experience necessary for the Panel to effectively discharge its functions in relation to the fire and rescue authority.
- (l) Once each authority has appointed councillors to the Panel, the Monitoring Officer of the Host Authority will examine the political

makeup of the Panel against the proportionality criteria specified in the Police and Social Responsibility Act and associated guidance. If as a result of this review the Monitoring Officer determines that one or more seats should be allocated to a non-aligned councillor then the Host Authority shall write to all of the non-aligned councillors seeking expressions of interest in serving on the Panel. Once these nominations have been received the Independent Persons will then select the candidate(s). The successful candidate will then be officially nominated to the Panel through their own authority.

- (m) Each member of the panel shall comply with the Code of Conduct for their Authority when acting as a member of the panel. Co-opted members will be bound by the Code of Conduct of the Host Authority when acting as a member of the panel.
- (n) In the event that an Authority does not appoint a Member in accordance with these requirements, the Secretary of State will appoint a Member from the Authority to the Panel in accordance with the provisions in the Act.
- (o) Validity of the proceedings of the Panel shall not be affected by either a vacancy in the membership of the Panel or by a defect in appointment.
- (p) Membership of the Panel ceases if a member ceases to be a Councillor of the appointing local authority.
- (q) An Authority may decide in accordance with its procedures to remove an appointed councillor from the Panel at any time and upon doing so shall give written notice to the host authority of the change in its member.
- (r) A Councillor may resign from the Panel at any time by giving notice to the appointing authority who will inform the host authority.
- (s) Where a Panel Member fails to attend meetings of the Panel over a six month period then the host authority shall recommend to the relevant Authority that due consideration is given to removing the member from the appointment to the Panel and the appointment of a replacement member from that Authority.
- (t) In the event that any Member resigns from the Panel, or is removed from the Panel by his or her Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel, applying the considerations given above.
- (u) The two independent members will be co-opted to the Panel, with no provision for substitution. Their term of office shall be 4 years and no co-opted member shall serve more than 2 full terms. After this time the positions will be re-advertised.

- (v) A co-opted member may resign from the Panel by, giving at least three months written notice to the host authority. In exceptional circumstances the Panel may agree to a shorter notice period.
- (w) If an independent co-opted member ceases to be a member through removal, resignation or some other means, the Panel will seek a replacement member as soon as possible through the process as described in these arrangements. The new appointment will be for the remainder of the term.
- (x) The following shall be disqualified from being appointed and from being a co-opted member:
 - (i) the Commissioner for the police force and fire and rescue area;
 - (ii) a member of staff of the Commissioner's Office for the area;
 - (iii) a member of the civilian staff of the Police Force for the area;
 - (iv) a Member of Parliament;
 - (v) a Member of the National Assembly for Wales;
 - (vi) a Member of the Scottish Parliament;
 - (vii) a Member of the European Parliament;
 - (viii) a member of the uniformed Police Force for Cumbria;
 - (ix) a member of one of the 2 local authorities in Cumbria;
 - (x) a member of staff of the Cumbria Fire and Rescue Authority.
- (y) The appointments of co-opted Members shall be undertaken in accordance with the following principles:
 - (i) Appointments shall be on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
 - (ii) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria;
 - (iii) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised; and
 - (iv) The selection process will endeavour to encourage applications from candidates which reflect the breadth of communities in Cumbria and will welcome applications from all eligible people irrespective of gender, ethnic origin, religious belief, sexual orientation, disability, age or other factor.

12.3.3 Joint Police, Fire and Crime Panel – Terms of Reference

- (a) To hold the elected Commissioner to account and will seek to work with them in a constructive manner with a view to supporting the effective exercise of their functions within Cumbria.
- (b) To review and make reports or recommendations on the draft Police and Crime Plan, draft Fire and Rescue Plan or draft variation, given to

the Panel by the Commissioner which the Commissioner must take into account, and to publish the reports or recommendations.

- (c) To hold a public confirmation hearing and review, make reports and recommendations (as necessary) in respect of proposed senior appointments (Chief Executive, Chief Finance Officers and Deputy Police, Fire and Crime Commissioner) made by the Commissioner and to publish the reports or recommendations.
- (d) To hold a public confirmation meeting to review and make reports on the proposed appointment of the Chief Constable and Chief Fire Officer including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports.
- (e) Upon receiving written notification from the Commissioner of his/her intention to call upon the Chief Constable or Chief Fire Officer to retire or resign the Panel will make recommendations to the Commissioner as to whether or not such resignation or retirement should be called for.
- (f) To consult the Chief Inspector of Constabulary where it is proposed to dismiss the Chief Constable or the Chief Fire and Rescue Inspector for England where it is proposed to dismiss the Chief Fire Officer and hold a private meeting of the Panel in which the Commissioner and the Officer concerned are both entitled to attend for the purpose of making representations about the requirement to resign or retire and to publish the recommendations made to the Commissioner.
- (g) To review and make reports and recommendations (as necessary) on the proposed precept for both Police and Fire and Rescue including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports or recommendations.
- (h) To review or scrutinise decisions or proposals made, or other action taken, by the Commissioner in connection with the discharge of the Commissioner's functions, which may be in the form of reports or recommendations to the Commissioner which must be published.
- (i) To fulfil functions in relation to complaints about the Commissioner on conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- (j) To appoint an Acting Commissioner if necessary, where the Commissioner is incapacitated, resigns or is disqualified or suspended.
- (k) To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom, the Channel Islands or Isle of Man with an offence that carries a maximum term of imprisonment exceeding two years.

- (l) To delegate, to the extent that it wishes to do so and so far as permitted by law, areas of work to a sub-committee or working group
- (m) To require the Commissioner and his or her staff to attend meetings to give evidence in accordance with statute when deemed necessary for the Panel to discharge its functions
- (n) Following a requirement made by the Panel for the Commissioner to attend a meeting, it may request the attendance of the Chief Constable or Chief Fire Officer at that meeting to answer questions which the Panel feels are necessary for the discharge of its functions.
- (o) To require the Commissioner to respond in writing within a specific timescale to any report or recommendation made by the Panel to the Commissioner.
- (p) To undertake any other such functions as are conferred upon the Panel by the Police Reform and Social Responsibility Act 2011 and Police and Crime Act 2017 and any subsequent regulations made under the Acts.

12.3.4 Joint Police, Fire and Crime Panel – Procedure

- (a) The Panel shall determine its Rules of Procedure (in accordance with the statutory requirements and regulations) which shall include arrangements in relation to:
 - (v) the appointment, resignation and removal of the Chairman and Vice- Chairman;
 - (vi) the appointment of sub-committees;
 - (vii) the appointment of Task Groups;
 - (viii) the making of decisions;
 - (ix) the circulation of information;
 - (x) the frequency, timing and place of meetings;
 - (xi) public participation; and
 - (xii) minority reporting.

13 COMMUNITY PANELS

- 13.1 The Community Panels are established as an ‘area committee’ under section 9E of the Local Government Act 2000 and may be given substantial powers and responsibilities by the Leader and Executive and also by the Council.
- 13.2 Where a Community Panel exercises powers granted to it by the Executive or Council it must do so within the parameters of the policies set by the Council and Executive and as set out in the terms of reference, including the ability to consider and report to Executive and Council on any matter affecting their area. Community Panels operate within Council policy and decisions must be consistent with the Budget and Policy framework and service specific policies.
- 13.3 Each Community Panel are comprised of all members of the Council representing those wards included within each Community Panel boundary, as follows:

Panel	Wards
1	Belle Vue, Castle, Denton Holme, Morton, Yewdale
2	Botcherby, Currock, Harraby North, Harraby South, Upperby
3	Brampton, Houghton and Irthington, Wetheral, Belah, Corby and Hayton, Longtown, Stanwix Urban
4	Solway Coast, Thursby, Aspatria, Wigton, Dalston and Burgh
5	Bothel and Wharrels, Cockermouth North, Cockermouth South, Dearham and Broughton, Keswick, Maryport North, Maryport South
6	Moss Bay and Moorclose, Harrington, Seaton, St Michaels, St. Johns and Great Clifton
7	Bransty, Egremont North and St Bees, Hillcrest and Hensingham, Howgate, Kells and Sandwith, Mirehouse
8	Gosforth, Millom Without, Cleator Moor East and Frizington, Cleator Moor West, Egremont, Millom

- 13.4 Each Community Panel shall at its first meeting appoint one of its number to be chair and another to be vice-chair for the next 12 months
- 13.5 A Community Panel will meet as a committee of the whole number of its members, subject to the quorum of one quarter of its members or 2 members (whichever is the lower), and in accordance with the Access to Information Rules, in order to make a lawful decision. A Community Panel is not, therefore, permitted to establish any form of sub-committee for decision making nor

delegate decision making to any of its number and no substitute members may be appointed.

- 13.6 A Community Panel may invite or co-opt three representatives of the community and voluntary sector as it determines who shall be able to participate in discussion and debate but who shall not be permitted to vote or take part in decision making.
- 13.7 Community Panels may appoint non-decision making sub-committees or working groups which will be provided with administrative support at the discretion of the Head of Paid Service.
- 13.8 An Executive Councillor may serve on a Community Panel if otherwise eligible to do so as a Councillor. The relevant Portfolio Holder may be invited to attend a meeting of any Community Panel depending on the subject matter in question.
- 13.9 Community Panels will meet at least 4 times annually.

Terms of Reference

- 13.10 The purposes of the Community Panels are:
 - 13.10.1 To actively encourage local residents to become involved in decision-making on matters which affect and interest them.
 - 13.10.2 To lead and enable effective implementation of the Neighbourhood Investment Plan.
 - 13.10.3 To monitor the quality and effectiveness of services delivered by the Council and other main providers in the local area.
 - 13.10.4 To lead on development of a Neighbourhood Investment Plan, which includes all main priorities for improvement of the Area, for approval by the Executive.
- 13.11 In pursuit of these objectives, the Community Panel may:
 - 13.11.1 Consult, engage and involve local people and organisations in development and delivery of the Neighbourhood Investment Plan.
 - 13.11.2 Consult, engage and involve partner agencies in development and delivery of the Neighbourhood Investment Plan.
 - 13.11.3 Actively review the activities of other agencies within its area with a view to ensuring that services, initiatives and their manner of delivery meet local requirements as fully as possible.
 - 13.11.4 Constructively challenge service providers to improve the standards of service and the levels of public satisfaction and trust with them.
 - 13.11.5 Identify priorities for allocation of budgets delegated to the Community Panel.

- 13.11.6 Commission activity to improve local quality of life and public satisfaction in its area.
- 13.11.7 Promote and publicise initiatives taken to improve local quality of life and public satisfaction and to increase participation in decision making.
- 13.11.8 Request and consider reports in support of the Community Panel's work.
- 13.11.9 The Community Panel will also produce an Annual Report to Council which will review and evaluate the degree to which it was successful in achieving its objectives and effective in promoting community leadership.

Delegated powers

- 13.12 The Council and the Executive may delegate powers and functions to the Community Panels which will be recorded here.

Conflicts of Interest

- 13.13 If an Overview and Scrutiny Committee is scrutinising specific decisions or proposals in relation to the business of the Community Panel for which an Overview and Scrutiny Committee Councillor is a member, then that Councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Chair of Standards and Governance Committee upon advice from the Monitoring Officer.
- 13.14 Where the Overview and Scrutiny Committee is reviewing policy generally, the Community Panel member must declare their interest before the relevant agenda item is reached, but need not withdraw.
- 13.15 The provisions relating to interests in the Members' Code of Conduct apply to meetings of Community Panels and, where a member is considering an application by a body with which they are involved the appropriate declaration should be made and the member withdraw from consideration of the item.

Access to Information

- 13.16 Community Panels will comply with the Access to Information Procedure Rules. Agendas and notices for meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which.