

## **PART 3 - RESPONSIBILITIES FOR FUNCTIONS**

### **SECTION E**

#### **TERMS OF REFERENCE OF THE EXECUTIVE, COMMITTEES AND OTHER BODIES**

##### **THE EXECUTIVE**

The Leader is responsible for all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution, unless otherwise delegated by him/her. All delegations by the Leader will be set out in Part 3 of this Constitution. Unless otherwise delegated, all executive functions will be agreed collectively by the Executive.

## **PLANNING APPLICATIONS COMMITTEE**

- 1.1. Subject to paragraph 1.2 below, all functions relating to the Town and Country Planning and Development Control as specified in Part A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, including
  - (a) planning applications
  - (b) enforcement action
  - (c) planning agreements
  - (d) lawful use or development
  - (e) advertisement control
  - (f) listed buildings
  - (g) conservation areas
  - (h) minerals and waste disposal
  - (i) hazardous substances
  - (j) development proposals by County Council and Borough
- 1.2. In exceptional circumstances, the Full Council will determine large-scale planning applications relating to land owned by the Council, or elsewhere if the proposed development is likely to have a very significant impact on the community, as determined by the Head of Planning, after consultation with the Leader of the Council and Chairman of the Planning Applications Committee.
- 1.3. All functions relating to trees and hedgerows as specified in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
- 1.4. The consideration and determination of matters arising from Part 8 of the Anti-Social Behaviour Act 2003 relating to complaints about high hedges.
- 1.5. The determination of applications for Certificates of Appropriate Alternative Development under the Land Compensation Act 1961.
- 1.6. The consideration of and response to any Purchase Notice served on the Council pursuant to Section 137 Town and Country Planning Act 1990.
- 1.7. Recommend to the Leader/Executive, Council, or Strategic Director of Finance & Customer Services as relevant on estimates of income, fees and charges, expenditure and the budget required by the Committee to undertake its functions.
- 1.8. Recommend to Council, implement and keep under review a Scheme of Delegation of Functions to Officers in respect of any of the functions delegated to the Committee.

## LICENSING COMMITTEE

- 1.1 All functions relating to licensing as specified in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, including:
  - (a) licensing functions under the Licensing Act 2003 (which excludes the statement of licensing policy)
  - (b) licensing functions under the Gambling Act 2005 (which excludes the statement of licensing policy)
  - (c) hackney carriage and private hire
  - (d) street trading and street markets
  - (e) caravan sites
  - (f) food hygiene and safety
  - (g) animal licensing
  - (h) sex establishments
  - (i) residual highways matters
  - (j) licensing functions under the Scrap Metal Dealers Act 2013
- 1.2 All functions relating to health, safety and welfare in connection with work and control of dangerous substances as specified in Part C of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, except in relation to the Council as an employer.
- 1.3 To establish the Licensing Sub-Committee and such sub-committees and working groups as it considers appropriate.
- 1.4 To undertake any other function, not being a licensing function, referred to it by the Licensing Authority.
- 1.5 To recommend to Council, implement and keep under review, the Scheme of Delegation of Functions to officers in respect of any of the functions delegated to the Committee.
- 1.6 Where there is a right for an applicant to be given the opportunity to appear before and be heard by the Committee, to hear and determine such cases as are referred to the Committee.
- 1.7 To have power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.
- 1.8 To recommend to the Leader/Executive, Council, or Strategic Director of Finance & Customer Services as relevant on estimates of income, fees and charges, expenditure and the budget required by the Committee to undertake its functions.

## **LICENSING SUB-COMMITTEE**

### Introduction

- 1.1 This is a sub-committee of the Licensing Committee which is required to be established by statute.
- 1.2 Three members, and one reserve member, being members of the Licensing Committee, will be appointed by the Head of Legal & Democratic Services to serve on the Sub Committee.

### Licensing Act 2003

- 1.3 To determine applications for the following when objections or adverse representations have been submitted:
  - (i) personal licence
  - (ii) premises licence
  - (iii) club premises certificate
  - (iv) provisional statement
  - (v) variation of a premises licence
  - (vi) variation of a club premises certificate
  - (vii) variation of a designated premises supervisor
  - (viii) transfer of a premises licence
  - (ix) an interim authority (to enable someone to act as a designated premises supervisor when this post is unexpectedly vacated)
- 1.4 To determine applications for the review of premises licences or club premises certificates.
- 1.5 To consider any other matters required by the Act or Regulations.

### Gambling Act 2005

- 1.6 To determine applications for the following where representations have been received and not withdrawn:
  - (i) premises licence
  - (ii) variation to a premises licence
  - (iii) provisional statement
  - (iv) review of a premises licence
- 1.7 To determine applications for the transfer of a licence where representations have been received by the Gambling Commission.
- 1.8 To determine applications for club gaming/club machine permits where objections have been made and not withdrawn.
- 1.9 To cancel club gaming/club machine permits.
- 1.10 To determine the issue of a counter notice to a temporary use notice.
- 1.11 To consider any other matters required by the Act or Regulations.

### Local Government (Miscellaneous Provisions) Act 1982 (as amended)

- 1.12 To determine applications for a Sexual Entertainment Venue Licence

### Scrap Metal Dealers Act 2013

- 1.13 To determine appeals relating to a decision to refuse, vary or impose conditions on a licence, or the revocation of a Scrap Metal Dealer licence.

## **THE OVERVIEW AND SCRUTINY COMMITTEES**

### **PERFORMANCE AND FINANCE SCRUTINY COMMITTEE**

1. To scrutinise all of the executive functions of the Council, except those reserved to the External Partnerships Select Committee.
2. To monitor, review and to report to the Leader/ Executive in relation to the performance of the Council's services, including against targets in the Annual Plan and Five Year Strategy.
3. To advise in relation to the Council's existing policies and strategies and assist in the development of policies and strategies.
4. To consider whether decisions taken by the Leader/Executive which were not treated as key decisions, should have been so treated, as set out in the Access to Information Procedure Rules at Part 4, Section 7 of this Constitution.
5. To undertake investigations into such matters relating to the Council's function and powers as:
  - (i) may be referred by the Council or the Leader/Executive;
  - (ii) the Committee may consider appropriate;
  - (iii) have been referred to the Committee pursuant to the "call-in" procedure set out in the Scrutiny Committee Procedure Rules; and
  - (iv) have been referred to the Committee pursuant to the Councillor Call for Action Protocol at Part 4, Section C of this Constitution;

## **EXTERNAL PARTNERSHIPS SELECT COMMITTEE**

1. To review services provided by other agencies and which affect the economic, social and environmental well-being of the Council's area, with particular focus upon:
  - (i) recipients of revenue and leisure grants and their performance against their Service Level Agreements;
  - (ii) registered Social Landlords operating within the borough;
  - (iii) Clinical Commissioning Groups and Health and Wellbeing Boards operating within the borough.
  
2. As the Council's designated crime and disorder committee to
  - (i) review or scrutinise at least annually decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions, including matters referred to it by a ward councillor;
  - (ii) make reports or recommendations to the Council with respect to the discharge of crime and disorder functions with copies to the appropriate responsible authorities or co-operating bodies;
  - (iii) scrutinise the Police and Crime Panel.
  
3. To undertake investigations into such matters which:
  - (i) may be referred by the Council or the Leader/Executive;
  - (ii) have been referred to the Committee pursuant to the "call-in" procedure set out in the Scrutiny Committee Procedure Rules; and
  - (iii) have been referred to the Committee pursuant to the Councillor Call for Action Protocol at Part 4, Section C of this Constitution.
  
4. To advise in relation to the Council's existing policies and strategies and assist in the development of policies and strategies, with a particular focus upon:
  - (i) grant schemes operated by the Council

## **AUDIT AND STANDARDS COMMITTEE**

### **1. Audit**

- 1.1 To consider the annual report, the annual plan the annual management letter of the External Auditor and any matters arising from the Annual Audit.
- 1.2 To authorise the signing of the Letter of Representation and the Annual Statement of Accounts by the Section 151 Officer and Chairman of the Audit & Standards Committee.
- 1.3 To receive and consider at least annually, details of the status of any recommendations made in any report issued by the External Auditor during the year and confirmation from the Section 151 Officer that all agreed recommendations have been implemented.
- 1.4 To receive and consider the annual Audit Plan, and a report on the status of all recommendations made and of the management actions taken against those recommendations.
- 1.5 To confirm, as necessary, and monitor compliance with the Code of Corporate Governance at least annually and advise the Council or the Leader/Executive, as appropriate, on any matters it wishes to draw to their attention.
- 1.6 To receive an annual report from the Monitoring Officer in respect of authorisations granted during the municipal year pursuant to the Regulation of Investigatory Powers Act 2000.

### **2. Standards**

- 2.1 To promote standards within the Council and to monitor the operation of the Code of Conduct.
- 2.2 To grant dispensations pursuant to Sections 33(2) (b), (c) and (e) of the Localism Act 2011 as follow:
  - (i) That without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
  - (ii) granting the dispensation is in the interests of persons living in the borough, or
  - (iii) it is otherwise appropriate to grant the dispensation.
- 2.3 To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to Sections 33(2)(a) and (d) of the Localism Act 2011.
- 2.4 To receive an annual report from the Monitoring Officer on Standards issues.

## **STANDARDS SUB COMMITTEE**

- 1.1 To hear and determine complaints of alleged breaches of the Codes of Conduct by borough or parish councillors referred to it by the Monitoring Officer in accordance with the Standards Hearing and Determination Meeting Procedure (Part H of the Documents which support the Constitution).

## **EMPLOYMENT COMMITTEE**

- 1.1 To agree amendments to Terms and Conditions of Employment for Staff and Human Resources policies, as referred by the Joint Staff Consultative Group.
- 1.2 To recommend the annual staff pay award to the Council.
- 1.3 To set the Terms of Reference for an Independent Investigation relating to employment matters where it is not established that they are currently the subject of capability, grievance and/or disciplinary proceedings.
- 1.4 To make recommendations to the Council for any mutually agreed departures for a Statutory Officer.
- 1.5 To agree any mutually agreed departures for a non-Statutory Strategic Director or Head of Service.
- 1.6 To undertake any review of the remuneration for the Head of Paid Service and make any relevant recommendations to the Council.
- 1.7 To agree any incremental progression for the Chief Executive/ Head of Paid Service, taking into account the report and recommendation from the Leader of the Council on the outcome of their end of year appraisal.
- 1.8 To make any decisions on ex-gratia payments to the Chief Executive, Strategic Directors and Heads of Service in accordance with Financial Regulations.
- 1.9 To consider any recommendations for senior management restructures and make recommendations to the Full Council.
- 1.10 To agree the recruitment process for the Chief Executive/ Head of Paid Service.

## **APPOINTMENTS SUB COMMITTEE**

- 1.1 To shortlist and interview candidates for the post of Chief Executive and to make recommendations to Council.
- 1.2 To interview and appoint staff to the posts of Strategic Director and Head of Service.
- 1.3 To interview candidates to act up to the Chief Executive role and make recommendations to Council.
- 1.4 To interview and appoint staff to Acting Up roles in relation to Strategic Director and Head of Service positions.
- 1.5 To recommend the appointment of the Head of Paid Service, the Monitoring Officer and the Section 151 Officer.
- 1.6 To interview applicants for the role of Independent Person and to make recommendations as to the appointment to Council in accordance with Section 28 of the Localism Act 2011.



## **HEARING SUB COMMITTEE**

- 1.1 To hear and determine any grievance or disciplinary matters relating to a Statutory Officer.
- 1.2 Where the disciplinary action proposes the dismissal of a Statutory Officer, to refer the decision to an Independent Panel and the Council.
- 1.3 To receive any grievances or allegations of misconduct concerning non- statutory Strategic Director or Head of Service, as referred by the Head of Paid Service, and determine whether to commission reports from an Independent Investigator, or to take no further action.
- 1.4 To hear any grievance or disciplinary matters relating to a Strategic Director or Head of Service, as referred by the Head of Paid Service.
- 1.5 To decide whether to suspend a Statutory Officer.

## **APPEALS SUB COMMITTEE**

- 1.1 To hear and determine any appeals made by a Statutory Officer in respect of any disciplinary action taken against them by the Council, with the exception of where the Council has made a decision to dismiss that officer.
- 1.2 To hear and determine any appeal regarding disciplinary action taken against any Strategic Director or Head of Service.
- 1.3 To hear and determine any appeal relating to a grievance raised by or against a Statutory Officer or a Strategic Director or Head of Service.
- 1.4 To hear appeals of any decision raised by a statutory officer or a non-statutory Strategic Director or Head of Service relating to a decision made by the Employment Committee outside any grievance or disciplinary process.

## **INDEPENDENT PANEL**

- 1.1 To review any recommendations to dismiss a Statutory Officer and compile a recommendation to the Full Council in respect of this decision.

## **JOINT STAFF CONSULTATIVE GROUP**

- 1.1 To advise the Council, Employment Committee and the Head of Paid Service in relation to major issues of concern to the Council and its employees.
- 1.2 To consider and make recommendations in relation to any relevant matter referred to it by the Leader/Executive, a Panel or Committee of the Council, the Chief Executive, the Head of Legal and Democratic Services, a statutory officer, any of the recognised trade unions or staff representatives.
- 1.3 To negotiate and make recommendations to the Employment Committee in relation to
  - (a) amendments to the Local Terms and Conditions of Service of employees; and
  - (b) procedural agreements, including the disciplinary, dispute and grievance procedures
- 1.4 The Group may only consider collective issues and must not consider any disciplinary, grievance or grading issues relating to individuals.

## **TASK AND FINISH GROUPS**

- 1.1 Any of the above bodies can establish Task and Finish Groups to review in detail any matter within the scope of their Terms of Reference.
- 1.2 The appointing body will be responsible for establishing the Task and Finish Group's Terms of Reference and the timeframe in which the work will be conducted.
- 1.3 The membership of the Task and Finish Group will be set by the relevant body, on the nomination of the Group Leaders.

## **INDEPENDENT REMUNERATION PANEL**

### Introduction

- 1.1 Members of the Independent Remuneration Panel are appointed by the Chief Executive after consultation with the party group leaders and subject to all decisions being reported to Members by email.

### Functions

- 1.2 To produce reports in relation to allowances payable to Members of the Council, making recommendations to the Council as to :-
- (a) the amount of the basic allowance;
  - (b) the roles for which a special responsibility allowance will be payable and the amount of such allowances;
  - (c) any dependent carer allowances;
  - (d) travelling and subsistence allowances;
  - (e) co-optee allowances;
  - (f) pensions for members.
- 1.3 To produce reports, as required, by Parish Councils within the Borough of Surrey Heath as to:-
- (a) any basic allowance payable to parish members;
  - (b) when the allowance should be payable;
  - (c) any appropriate travelling and subsistence allowances.

## **GOVERNANCE WORKING GROUP**

- 1.1 To keep under review the Constitution and make any recommendations to the Full Council on revisions to existing constitutional documents, the addition of documents to the Constitution, or the removal of documents from the Constitution, as considered appropriate.
- 1.2 To keep under review the Documents which Support the Constitution, and make any recommendations to the Head of Legal & Democratic Services on revisions to existing Documents which Support the Constitution, the addition of documents to the list of Documents which Support the Constitution, or the removal of documents from the Documents which Support the Constitution, as considered appropriate
- 1.3 To keep under review the Terms of Reference of the Executive, Committees and Other Bodies, including a full review at the beginning of every Council term.
- 1.4 To review the membership levels of the committees prior to the end of an annual term, or as necessary.
- 1.5 To consider any matters relating to the Council's governance, as directed by the Full Council.